

25.
04-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 60 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Palashipara Police Station Case No.209 of 2024 dated 29-04-2024 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Aziz Sk

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... For the Petitioner.

Mr. Bitashok Banerjee,
Mr. Rahul Ganguly

... For the State.

Mr. Manas Kumar Das,
Mr. Tanbir Mandal

... For the defacto complainant.

Dictated by Prasenjit Biswas, J.

1. It is submitted by the learned Advocate appearing on behalf of the petitioner that this accused petitioner is in custody since from 28.06.2024. He is completely innocent and has been falsely entangled with the alleged crime. This petitioner is a student of B.A., 2nd year in the Plassey College, Nadia. Only on the basis of suspicion this petitioner was apprehended and is languishing in judicial custody, without having any direct evidence implicating him with the offence alleged. During the course of investigation nothing has been seized from the possession of this petitioner. The charge-sheet has been filed by the prosecuting agency for commission of alleged offence against this petitioner and his

father falsely. All the allegations as made out in the written complaint by the de facto complainant are totally false and baseless.

2. Learned Advocate appearing for the State raises vehement objection by submitting that there are sufficient incriminating materials gathered by the Investigating Agency which show about prima facie involvement of this accused petitioner with the alleged offence. The offence involved in this case is serious in nature and if at this stage this accused petitioner is enlarged on bail then there is every chance of hampering of progress of the trial.
3. Learned Advocate for the de facto complainant has entered appearance in this case.
4. Perused the materials on record. We have gone through the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure and other materials which were collected by the prosecuting agency during course of investigation. The investigation process is over. So, no purpose will be served by detaining the accused petitioner behind the bar further for sake of custodial interrogation. Keeping in mind the detention of this accused petitioner behind the bar and also after taking into consideration that investigation process is over, we are inclined enlarge the accused petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Aziz Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Tehatta. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station

and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.
7. The application for bail is, thus, **allowed**.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)