

28.01.2025

Sl. No.07
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 32 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali P.S. Case No. 496 of 2024 dated 25.07.2024 under Sections 310(4)/310(5)/120(1)/132/109 of BNS and 25(1)(A)/27(1) of the Arms Act.

And

In the matter of : **Salim Khan @ Shalim Khan @ Aryan and Anr.**

... Petitioners.

Mr. Hillol Saha Poddar,
Mr. Somraj Paul.

...for the petitioners.

Mr. Nilay Chakraborty, Id. A.P.P.
Mr. Dhiman Sil.

...for the State

1. Petitioners are in custody for 164 days. They submit there is direct evidence connecting them with the crime. Co-accused has been enlarged on bail. Accordingly, they renew their bail prayer.
2. Learned Advocate for the State contends petitioners and others dashed a police vehicle. When they were chased they fired at police personnel and escaped. Petitioners were arrested from near the spot whereas co-accused Asish Kumar Yadav was arrested from Uttar Pradesh.
3. We have considered the materials on record. None of the police personnel identified the petitioners as miscreants who

fired at them. No firearm was recovered from them. Involvement of the petitioners is based on circumstantial evidence. Investigation is complete. Co-accused has been enlarged on bail. Accordingly, we are inclined to extend the similar privilege to the petitioners also.

4. Therefore, the accused/petitioners, namely **(1) Salim Khan @ Shalim Khan @ Aryan** and **(2) Ashish Giri** be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition the petitioners while on bail shall remain within the district of Jalpaiguri and shall provide the address where they shall presently reside to the investigating agency as well as the jurisdictional court and shall report to the Officer-in-Charge of Jalpaiguri Kotwali P.S. once in a week until further orders.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)