

30.01.2025
Sl. No.10
Ct. No.1

SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 37 of 2025

In Re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Haldibari
Police Station Case No. 163 of 2024 dated 18.10.2024 under
Sections 126(2)/115(2)/118(2)/109/351(2)/3(5) of the BNS.

And

In Re: ***Kabiul Ali.***

... ... Petitioner

Mr. Hillol Saha Podder.

... ... for the petitioner

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary.

... ... for the State

Mr. Sandip Guha Roy,
Mr. Ananda Paul.

... ... for the de facto complainant

1. Petitioner contends there was free fight. He has been
falsely implicated. Investigation is complete. Accordingly, he
prays for bail.

2. Learned Advocate for the State opposes the prayer for
bail..

3. Learned Advocate for the *de facto* complainant submits
petitioner had assaulted him on the head. He is continuously
threatening him.

4. We have considered the materials on record. Petitioner and
the *de facto* complainant are brothers. They had quarreled. It is
alleged petitioner assaulted *de facto* complainant on the head
and hand. He is in custody for 68 days. Investigation is
complete.

5. Under such circumstances, we are of the opinion further detention is not necessary and petitioner may be enlarged on bail subject to conditions.

6. Therefore, the petitioner **Kabiul Ali**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj subject to condition that the petitioner 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 petitioner while on bail shall not enter the Haldibari Police Station except for the purpose of attending trial in the present case or any other case and shall provide the address where he shall presently reside to the Investigating Agency as well as the trial court and shall report to the Officer-in-Charge of the police station where he shall presently reside once in a week until further orders.

7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

8. The application for bail is thus disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)