

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

14.02.2025

Court No.01
rpan/**21**

CRM (DB) 89 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kotwali (Jalpaiguri) Police Station Case no. 496 of 2024 dated 25.07.2024 under Sections 310(4)/310(5)/121(1)/109 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1)(a)/27(1) of the Arms Act;

And

In Re : **Nabiul Islam**

- Petitioner

Ms. Madhushri Dutta

... for the petitioner.

Mr. Ujjwal Lusom,

Mr. Kallol Nag

... for the State.

1. It is said on behalf of the accused petitioner that he is in custody for 78 days. This petitioner is innocent and not in any way involved in the offence as alleged. Moreover, some of the FIR named accused persons have already been granted bail in connection with this case and chargesheet has already been submitted by the prosecuting agency after completion of investigation.

2. The learned advocate for the State raises objection by submitting that there are sufficient incriminating materials gathered in the case diary which reflect about *prima facie* involvement of this accused petitioner with the alleged offence.

3. We have considered the materials on record. It appears that some of the F.I.R. named accused persons have already been granted bail by the Coordinate Bench of this Court. Investigation process is over. This accused petitioner is in custody since for a considerable period of time. Keeping in mind the period of detention of the accused petitioner behind the bar and since the

investigation process has already been completed we are of the view that further detention of this accused petitioner behind the bar is not necessary. Accordingly we are inclined to enlarge the accused petitioner on bail.

4. Accordingly, the accused petitioner, namely, **Nabiul Islam** be released on bail upon furnishing a bond of Rs.10,000/- 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 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 that the petitioner while on bail shall remain within the district of Jalpaiguri and shall provide the address where he 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. It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.

6. The application for bail, being CRM (DB) 89 of 2025 is, accordingly, disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)