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10-04-2025
(ct. no.04)
S. De
(Allowed)

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

CRM (R) 10 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mal Police Station Case No. 94 of 2025** dated **23.02.2025** under **Sections 319(2)/318(4)/336(3)/340(2)/61(2)** of the Bharatiya Nyaya Sanhita, 2023 read with **Section 42(3)** of the Tele Communication Act, 2023.

And

**In the matter of : Nurul Hoque @ Nurul Haque @ Aftab.
...Petitioner.**

Mr. Anirban Banerjee,
Mr. Hossen Umar Faruque, ...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Gangully,for the State.

1. Learned advocate for the petitioner and learned advocate for the opposite party/State of West Bengal are present.
2. Heard learned advocates for the parties.
3. Perused the materials in the case diary.
4. In this case, the petitioner is implicated under Sections 319(2)/318(4)/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 42(3) of the Tele Communication Act, 2023.
5. Learned advocate for the petitioner submits that the petitioner is not involved in the present case and on the basis of the statement of the co-accused person he has been implicated in the instant case. Learned advocate further submits that one co-accused person is on bail and considering the period of

detention which is about 38 days, his prayer for bail should be considered.

6. Learned advocate for the opposite party objects to grant of bail and submits that different incriminating articles are recovered from the petitioner which will go to show his involvement in the present case. Learned advocate draws attention to the seizure list showing different SIM Cards recovered from the petitioner.
7. Upon perusing the materials in the case diary and upon considering the nature of offence although the involvement of the petitioner cannot be ruled out at this stage, but it is to be decided as to whether or not the petitioner should be granted bail. In order to decide bail petition it is necessary to consider judicial pronouncements where it is laid down that the factors to be taken into consideration while granting bail is the nature and severity of the offence, the evidence as appearing, the chance of abscondance, if released on bail, and repetition of the offence and tampering of evidence.
8. The relevant provisions of law in which the petitioner is implicated, the minimum punishment provided is five years and maximum which may extend to life. Upon considering the quantum of punishment, the nature of involvement of the petitioner and the fact that necessary articles have already been seized from the petitioner, in the interest of justice, his further detention is not necessary for the purpose of

investigation. Thus, the prayer for bail made by the petitioner should be allowed.

9. I, therefore, allow the prayer for bail made by the accused person/petitioner.

10. Accordingly, I direct that the petitioner, namely **Nurul Hoque @ Nurul Haque @ Aftab** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of Rs.5,000/- each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri, subject to the conditions that the petitioner shall meet the Investigating Officer of the case twice in a week until further orders and on further conditions that the petitioner shall submit the mobile number to the concerned police station which he is using and shall not go to the place from where the SIM Cards were recovered and shall not leave the jurisdiction of the Court and shall not do any act prejudicial to the investigation.

11. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

12. The application for bail is, accordingly, allowed.

13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)