

03. 11.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (M) 35 of 2025**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Pundibari** Police Station Case No.**245/2024** dated **20.4.2024** under Sections **341/326/307/506/34** of IPC, 1860 adding Section **302** of IPC, 1860.

And

In the matter of: - **Sazimuddin Mia @ Saji Miah @ Sajimuddin Miah**

...petitioner.

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmoyee Das
Ms. Shreya Sarkar

...for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Kallol Nag

...for the State.

1. The petitioner is one out of several accused persons. He says that he had no intention of harming anybody. A dispute arose between the accused persons and the victims. That led to the alleged incident. A similarly circumstanced accused person by the name of Subhash Chandra Roy @ Tena Roy has been enlarged on bail by a co-ordinate Bench by an order dated April 10, 2025, passed in CRM (M) 30 of 2025. He prays for bail on the ground of parity.
2. Learned State Counsel, while opposing the bail prayer, draws my attention to the statements of witnesses recorded under Section 164 of the Criminal Procedure Code, 1973 (corresponding to Section 183 of Bharatiya Nagarik Suraksha

Sanhita, 2023). The deceased victim's wife does not name this petitioner. However, another witness does take this petitioner's name but no overt act has been attributed to him.

3. On an overall consideration of the facts and circumstances of the case and seeing that charge-sheet has already been submitted upon completion of investigation and also a co-accused person, who appears to be similarly circumstanced as the petitioner, has been granted bail, I am of the view that the further custodial detention of the petitioner is not necessary.
4. Accordingly, it is ORDERED that the petitioner, namely, **Sazimuddin Mia @ Saji Miah @ Sajimuddin Miah**, 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 the learned Additional District & Sessions Judge, Fast Track Court, Coochbehar, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, his

bail shall stand automatically cancelled without further reference to this Court.

6. The application for bail being CRM (M) 35 of 2025 is accordingly disposed of.
7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)