

29.05.2026

Item No. VB37
Court No. 07
Asraf, AR(Ct.)/
Sudipta

ALLOWED

In the High Court at Calcutta
Criminal miscellaneous jurisdiction
Appellate side

CRM (M) 1309 of 2026

In Re : An application for bail under Section 483 of the BharatiyaNagarik Suraksha Sanhita, 2023 filed in connection with Harishchandrapur P.S. Case no.665 of 2023 dated 09.07.2023 under Sections 143, 323, 325, 506, 307, 34 of the Indian Penal Code, 1860 read with Sections 25(1-B), 27, 35 of the Arms Act.

-AND-

In Re : **Habibur Rahaman & Anr.**

.....Petitioners

For the Petitioners :

Mr. Moyukh Mukherjee

Ms. Sagnika Banerjee

.....Advocates

For the State :

Mr. Premananda Sharma, APP

.....Advocate

1. Learned counsel appearing on behalf of the petitioners submits that the petitioners are almost on the same footing with that of the co-accused Manirul Haque @ Islam who had already been enlarged on regular bail by this Court. It is further submitted that the injured eye-witnesses have uniformly implicated the petitioners along with co-accused Rafikul, Manirul and Allauddin as the specific persons who were armed with guns and who had fired the shots on victims causing injuries to their legs. He further submits that the petitioners surrendered before the Court on 16th September,

2025 and since then they are in custody. He further submits that trial has not yet commenced as some accused persons are still absconding. Therefore, nobody knows when the trial will commence. He prays for bail of the petitioners.

2. Learned counsel appearing on behalf of the State opposes the bail prayer contending that the materials collected during investigation pinpointed towards the petitioners' specific overt act and, therefore, they are not on the same footing with the other accused persons who are on bail and, accordingly, he opposes the bail prayer.
3. Having heard the learned counsel for the petitioners and the learned counsel appearing for the State and also on perusal of the materials available on the case diary and considering that the co-accused Manirul Haque @ Islam has already been granted bail and the petitioners are almost on the same footing with that of accused Manirul Haque @ Islam, I find that further detention of the present petitioners would not yield any fruitful result and this is also because there is no likelihood of early commencement of trial.
4. In view of above, petitioners, namely, **Habibur Rahaman** and **Badiruddin** are enlarged on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two registered sureties of Rs.10,000/- each, one of which must be local, subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda and also on condition that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with

any evidence orally or documentary during the trial. He shall not leave the jurisdiction of trial court without taking leave from trial court. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. Be it mentioned in case of violation of any of the conditions as above, the trial court will be at liberty to cancel the bail without making any further reference to this court.

5. Be it further mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.
6. The application for bail is accordingly disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)