

In The Court of Additional Sessions Judge, Chandernagore
Criminal Miscellaneous Case No. 422 of 2023

**Present: Kazi Abul Hasem, Additional Sessions Judge,
Chandannagar, Hooghly,
J.O Code – WB-00787**

Ref : In connection with Tarakeswar P.S Case No. 96/2022 dated 29.04.2022, u/s 341/325/354B/307/506/34 of I.P.C the instant bail application has been filed on behalf of the accused/petitioner namely Sk. Saifuddin, S/o Sk. Sajahan of Vill. Aymapaharpur, P.O & P.S- Tarakeswar, Hooghly.

**Order No. 03
dated 15.09.2023**

This is an application under section 439 of Cr.P.C. filed in connection with Tarakeswar P.S Case No. 96/2022 dated 29.04.2022, u/s 341/325/354B/307/506/34 of I.P.C filed on behalf of the accused/petitioners namely Sk. Saifuddin.

Ld. Advocate while praying for his bail submitted that the accused/petitioner above named surrendered himself before the Ld. A.C.J.M, Chandannagar as per the direction of the Hon'ble High Court as passed in connection with C.R.M(A) No. 2991 of 2023 and he surrendered before the court on 24.08.2023 and since then he has been in custody. Ld. Advocate further submitted that charge-sheet in this case has been submitted against the accused/petitioner as well as the other accused persons. Ld. Advocate prays for his bail at any terms and conditions.

It is further submitted by the learned advocate for the accused/petitioner that no bail application of the accused/petitioner is pending before any higher court nor there has been a rejection of his bail application therefrom.

Learned P.P strongly opposes the prayer for bail of the accused/petitioner citing the reason of the nature of the case against him.

After having heard the submissions from both sides as above I have carefully perused the nature of the case against the accused/petitioner which is registered u/s 341/325/354B/307/34 of IPC. While considering the case against him I find that the charge-sheet has been submitted against this accused/petitioner as well as other accused persons.

In this behalf I have carefully perused the order dated 10.08.2023 as passed by the Hon'ble High Court at Calcutta in connection with C.R.M(A) No. 2991 of 2023 and from that order it appears that this accused/petitioner applied for his anticipatory bail before the Hon'ble High court at Calcutta after charge-sheet was submitted and in this behalf I have carefully perused the observation/direction of the Hon'ble Court as regards how his bail applications be decided on his surrendering before the Ld. A.C.J.M Chandannagar.

After careful perusal and consideration of the said direction what does it appear before this court is that the said direction as given by the Hon'ble Court is meant for the the Ld. Magistrate Court and not for this court when this court would hear in this bail application u/s 439 of Cr.P.C.

While considering so I have carefully perused the L.C.R and I find that this court enlarged co-accused no bail u/s 439 of Cr.P.C under the similar circumstances and for that reason this court does not find any bar to entertain his bail application u/s 439 of Cr.P.C. Now since the charge-sheet has been submitted and he has voluntarily surrendered himself before this court as per the direction of the Hon'ble Court, I am of the reasonable and sincere view that the prayer for bail of the accused/petitioner should be considered and allowed.

He may find bail of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each to the satisfaction of the Ld. A.C.J.M, Chandannagore with the condition that after being enlarged on bail, he shall attend the court on each and every occasion till the case against him is finalized.

Thus, this Criminal Misc case hereby stands disposed of.

C.D produced be returned to the learned P.P at once.

Let a copy of this order along with L.C.R be sent to the learned A.C.J.M., Chandernagore for information.

D & C by me,

Sd/-
Additional Sessions Judge
Chandernagore

Sd/-
Additional Sessions Judge
Chandernagore