

**In the High Court at Calcutta
Jalpaiguri Circuit Bench**

CRM (M) 28 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **NJP Police Station** Case No. **1131 of 2024** dated **01.11.2024** under Section **308(4)/103/3(5)** of the BNSS.

- A n d -

In the matter of : Md. Salauddin & Anr.

.... Petitioners.

Mr. Subhasish Misra,
Mr. Satyajit Paul,

... For the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das,

... For the State.

Mr. Debajit Kundu,

... for the defacto complainant.

1. Learned Advocate for the petitioners and learned State Advocate are present.

2. Heard Learned Counsel for the parties. Perused the materials in the case diary.

3. Learned Advocate for the petitioners submits that the petitioners are not involved in the incident and the victim was involved in different gambling activities and this incident is a result of those activities. He further submits that the defacto complainant has not witnessed the incident and without any basis has implicated his clients.

4. Learned State Advocate draws attention to the materials in the case diary, specially the statement recorded under Section 164 of the Code of Criminal Procedure made by the defacto complainant

and two other witnesses. In the statement under Section 164 Cr. P.C., the names of the petitioners did appear but so far the statement made by two local persons under Section 164 of the Code, the names of the petitioners did not appear. Learned Advocate for defacto complainant objects the grant of bail and draws attention to a copy of the complaint made by the defacto complainant against the two accused persons who are absconding with regard to the complaint lodged by the defacto complainant. Let the Investigating Officer take necessary steps against the two accused persons who are absconding in accordance with law. The Investigating Officer shall also see as to why these two persons who are absconding are not arrested and have threatened the defacto complainant. The defacto complainant is also granted liberty to take steps in accordance with law.

5. Learned Advocate for the defacto complainant submits that the petitioners have criminal antecedents and they may not be enlarged on bail.

6. However, with regard to the present petitioners/accused persons, considering the materials in the case diary, period of detention and the fact that the charge sheet has already been submitted and as there is no reasonable apprehension to abscond or tamper with witnesses, this Court is of the view that the petitioners should be enlarged on bail.

7. I, therefore, allow the prayer for bail made by the petitioners.

8. Accordingly, I direct that the petitioners, namely, **Md. Salauddin and Md. Alauddin**, shall be released on bail upon

furnishing a bond of Rs. 10,000/- each, 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 they shall appear before the trial court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and evidence in any manner whatsoever. The petitioners shall not enter the jurisdiction of the NJP Police Station and shall meet the O.C./I.C. of the concerned police station twice in a week where they will reside and shall not meet the defacto complainant and the persons acquainted with the facts of the case until further orders.

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

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

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

(Biswaroop Chowdhury, J.)