

13.10.2020

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CRM No. 7722 of 2020

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CRAN 1 of 2020

(Via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Posta Police Station Case No. 298 dated 21.09.2015 registered for investigation into offences punishable under Sections 395/397 of the Indian Penal Code.

And

In the matter of : Nasim Kureshi @Nasim Qurashi @ Raja & Anr.

... Petitioners

Mr. Soubhik Mitter

.. for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..for the State

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within forty eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This is a case involving dacoity under Sections 395/397 of the Indian Penal Code.

The petitioners are in custody for over five years. Charge has been framed and witnesses are in the course of being examined.

It is not our law that from the date of commission of the alleged offence till the conclusion of the trial, the undertrial has to be mandatorily kept in custody.

There is nothing on record to show that the petitioners will interfere with witnesses or tamper with evidence or flee from justice.

Under those circumstances, we allow this application for bail.

The petitioners will be released on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand) each together with personal release bond of equivalent value to the satisfaction of the appropriate court in Calcutta. The petitioners must, however, attend on every date fixed for trial and in the event of failing to do so, the trial court shall be at liberty to cancel the bail of the petitioners without any reference to this Court.

CRM 7722 of 2020 and the interim application filed therein are disposed of.

(I. P. Mukerji, J.)

(Md. Nizamuddin, J.)