

20.11.2020

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CRM 7747 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rabindranagar P.S. Case No.334 of 2016 dated 06.09.2016 under Sections 25(1AA)/35 of the Arms Act and Sections 4 and 5 of the Explosives Substances Act.

And

In the matter of: Md. Atesam @ Md. Ehtesham

....Petitioner.

Mr. Sanjib Mitra

...for the Petitioner.

Mr. N. Ahmed, APP.

Ms. A. Gaur

...for the State.

It is submitted on behalf of the petitioner that he was in custody for over 4 years.

Learned lawyer for the State opposes the prayer for bail and submits that the case involves seizure of a huge of cache of illegal arms.

Although the allegations are serious, having considered the materials on record and keeping in mind the fact that the petitioner has suffered considerable period of under-trial detention and in view of the fact that the co-accuseds have been enlarged on bail and as there is little possibility of the trial concluding in the near future, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only) with two sureties of like amount each, to the satisfaction of the learned ACJM, 4th Court, Alipore, South 24 Parganas subject to condition that the petitioners shall appear before the trial court on every date of

hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not leave the jurisdiction of District South 24 Parganas until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)