

27.04.2021
Item No.07
Ct.No.28
Subha
Allowed

C.R.M. 1742 of 2021
(Via Video Conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with Sealdah GRPS Police Station Case No. 131 of 2019 dated 18-09-2019 under Sections 399/402 of the Indian Penal Code.

In the matter of : **Sk. Akbar** ... Petitioner.

Mr. Siddhartha Sarkar
... For the Petitioner.

Mr. Rana Mukherjee, Id. APP
Mr. Santanu Chatterjee
... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Sealdah GRPS Police Station Case No. 131 of 2019 dated 18-09-2019 under Sections 399/402 of the Indian Penal Code.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner is in custody since 18th September, 2019 and there has been no progress in the trial of the case.

Mr. Chatterjee, learned advocate appearing for the State draws the attention of this court to the seizure list as well as the recoveries which were made from the accused persons.

We have perused the materials available in the case diary and we find that the seizures which have been effected are to be challenged in course of trial. However, we find that although all the witnesses belong to the Police Department as cited in the chargesheet but till date there is no progress in the trial of the case.

Having regard to the period of detention of the present petitioner and his complicity, we are of the opinion that further detention of the present petitioner is not required in this case.

Accordingly, we direct that the petitioner namely, **Sk. Akbar** shall be released on bail upon furnishing a bond of Rs.10,000/(Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah.

The petitioner shall meet the Inspector-in-Charge of Sealdah GRPS once a week on and from 3rd May, 2021 until further orders.

The petitioner shall make available himself on each day so fixed by the learned court below. It is made clear that failure to attend the Court on a solitary day without any

justifiable reason shall disentitle the petitioner to the privilege of bail. It shall be open to the learned court below to cancel the bail without any further reference to this Court.

The application for bail, being CRM 1742 of 2021, is thus disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)