

12.07.2021

Court No.28
Item No.6

Akd
&
As

CRM 1838 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dum Dum G. R. Police Station Case No. 20 of 2020, dated 16.12.2020 under Sections 399/402 of the Indian Penal Code.

And

In the matter of : **Sk. Nadeem Akhter @ Nadim Akhtar Sk.**
@ Nadeem Akhtar & Anr.
...Petitioners

Mr. Ayan Bhattacharjee,
Mr. Sharequl Haque,
Mr. Prattay Khan.

...For the Petitioners

Mr. N. Ahmed, Id. A.P.P.,
Ms. Trina Mitra,
Md. Anwar Hossain.

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Dum Dum G. R. Police Station Case No. 20 of 2020, dated 16.12.2020 under Sections 399/402 of the Indian Penal Code.

Learned Advocate for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that charge sheet has since been submitted and as such, further detention of the petitioners is unnecessary. Moreso, several co-accused persons have already been released on bail.

Learned Advocate for the State raises objection submitting that release of these accused persons on bail at this stage may lead to their abscondance, and as such, the same may be taken in view while making consideration of the prayer for bail, so that trial of this case may not be delayed.

The accused persons have been languishing in custody for the last 209 days. Charge sheet has already been submitted. There is no recovery of any arms besides the recovery of a knife. The allegation against the petitioners is that the petitioners made preparation with others for commission of dacoity.

Having considered the submissions of both sides and bearing in mind the conclusion of investigation together with long detention of the petitioners already undergone, we are of the view that further detention of the petitioners is not necessary.

The prayer for bail of the petitioners is thus allowed.

Accordingly, the petitioners, **Sk. Nadeem Akhter @ Nadim Akhtar Sk. @ Nadeem Akhtar and Birju Das and Birju Das**, shall be released on bail upon furnishing a bond of Rs.10,000 /- each (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah subject to the condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further

reference to this Court.

The application for bail, being CRM 1838 of 2021, is thus
disposed of.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)