

03.02.2022
Item No.10
suman
Ct.42

(Via Video Conference)

CRA 110 of 2020
With
CRAN 3 of 2022

In Re: An application for bail under Section 389(1)
of the Code of Criminal Procedure, 1973.

And

In the matter of: **Abdul Kalam Laskar alias Abu**
Kalam Laskar
Vs.
The State of West Bengal

Mr. Debojyoti Deb
....for the petitioner

Mr. Sudip Ghosh
Mr. A. K. Datta
Mr. Bitasok Banerjee
...for the State

This is an application for bail filed on behalf of the
appellant /petitioner.

It is submitted by Mr. Deb, learned advocate for the
appellant/petitioner that in connection with the instant
appeal the co-accused person was granted bail by this
Court on 2nd December, 2021. The present petitioner was
not involved in the offence and he was arrested
subsequently by the police. In his cross-examination
under Section 313 of the Code of Criminal Procedure he
took the above plea specifically. However, he was

convicted and sentenced to suffer imprisonment for six years for committing offence under Section 395 of the Indian Penal Code and imprisonment for four years for committing offence under Section 397 of the Indian Penal Code with fine and default clause. Mr. Deb further submits that the petitioner is lingering in Correctional Home for a period of about two years and two months. Therefore, he should be released on bail. It is an undisputed fact, since admitted by the Investigating Officer, that the petitioner was not arrested from the scene of offence or nearby place. He was arrested subsequently by the police.

It is true that the petitioner was identified in T.I. parade by P.W.1 and P.W.6. However, I have already held in CRAN 2 of 2021 while disposing of an application for bail filed by the co-accused Abu Jafar Laskar that the purpose of T.I. Parade is to ascertain during investigation as to whether the investigation is being proceeded with in a right direction against right persons. Identification in T.I. Parade is not a substantive piece of evidence.

Be that as it may, the petitioner is suffering term imprisonment for six years. Out of the said term he is in custody for more than two years.

In view of the ratio laid down by the Hon'ble Supreme Court in **Bhagwan Rama Shinde Gosai & Ors. versus State of Gujarat** reported in **1999 (4) SCC 421** and **Kiran Kumar versus State of M.P.** reported in **(2001)**

C Cr. LR (SC) 6 I am inclined to release the petitioner on bail.

The appellant/petitioner shall be enlarged on bail of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- (Rupees Ten Thousand only) each, one of whom must be a local surety, to the satisfaction of the learned Chief Judicial Magistrate with further condition that if on bail he shall meet the Officer-in-Charge of the jurisdictional P.S. once in a month and he shall also submit an affidavit stating his residential address, Aadhar card number and mobile phone number, if any, so that he may be tracked by police during pendency of the instant appeal.

If the petitioner fails to comply with any of the directions/conditions the order of bail shall be cancelled without further reference to this Bench.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)