

23.03.2021

04

suman

Ct. 30

CRM 2887 of 2021

(Via Video Conference)

In Re: an application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Karaya Police Station Case No.177 of 2015 dated 20.04.2015 under Section 401A of the KMC Act

And

In the matter of:

Md Akram

Vs.

The State of West Bengal & Anr.

Mr. Sourav Chatterjee

Ms. Amrin Khatoon

...for the petitioner

Ms. Sreyashee Biswas

...for KMC

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State

The petitioner has come up with the application for bail in connection with a proceeding under Section 401A of the Kolkata Municipal Corporation, registered as Criminal Misc. Case No. 86537 of 2015.

It is submitted by Mr. Chatterjee, learned advocate for the petitioner that he was originally on bail before the learned

trial Court but during Covid pandemic, he jumped bail violating the conditions and accordingly warrant of arrest was issued by the learned Municipal Magistrate, 2nd Court, Kolkata. The accused surrendered on 16th of March, 2021 and he was taken to custody.

It is further submitted by Mr. Chatterjee that as the petitioner was not in a position to attend the Court during pandemic situation, he failed to observe the conditions of bail.

Learned Public Prosecutor, on the other hand draws my attention to a specific portion of the impugned judgment dated 16th March, 2021 where the learned Magistrate clearly observed that the accused did not appear before this Court on earlier occasion but a person with similar name appeared before this Court and tried to mislead and commit fraud upon the Court.

Thus, he has raised objection against the prayer for bail.

It is submitted by Mr. Chatterjee that for the unauthorized construction in violation of the sanctioned plan, the case was initiated. However, the said unauthorized construction has been regularized by the petitioner on payment of fine to the Corporation.

Considering such aspect of the matter he should be released on bail.

The petitioner be enlarged on bail of Rs.5,000/- with one surety of like amount to the satisfaction of the learned

Municipal Magistrate, 2nd Court, Kolkata with further condition that on the next date of trial he shall be personally present and shall produce his Aadhar Card and Epic Card as well as Passport, if any, in the trial Court so that the Court can get an opportunity to check the identification of the accused during trial of the case. During the trial the documents will be kept in safe custody of the Court. The learned Magistrate is requested to return the Epic Card only for one day prior to the date of Legislative Assembly Election to enable the petitioner to cast his vote. Immediately on the next date he will submit the original Epic Card before the Court.

If the petitioner violates the conditions for bail, the order shall be cancelled without further reference to this Bench.

The report submitted by the learned P.P. be kept with the record.

CRM 2887 of 2021 is, thus, disposed of.

(Bibek Chaudhuri, J.)