

CRM No.5756 of 2021

Via video conference

25.11.21

(S.R.)

Sl.03

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Ballygunge** GRPS Case No.17 of 2019 dated 03.08.2019 under Sections 399 and 402 of the Indian Penal Code;

And

In re: Sabir Ali Khan @ Sabir Ali Kha

... petitioner.

Mr. Siddhartha Sarkar

... for the petitioner.

Mrs. Sukanya Bhattacharya

Mr. Nirupam Dhali

...for the State.

The learned lawyer for the petitioner submits that the present petitioner is in custody for last 845 days. Except one knife nothing is recovered from the accused person. The other accused persons are on bail. Therefore, according to the learned lawyer, bail may be granted.

Per contra the learned lawyer representing the State submitted that incriminating elements are there. There is recovery of one knife. Accordingly, bail should be rejected.

We have perused the case diary and materials on record. It appears that the other accused persons are on bail. Except one knife nothing is recovered. No strong incriminating elements are there, which will warrant detention of the present petitioner in custody when investigation is complete.

Accordingly, we are inclined to allow the bail to the petitioner. The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 application for bail being CRM No.5756 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)