

21.12.2021

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Allowed

**CRM 8620 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rabindranagar P. S. Case No. 334 of 2016 dated 06.09.2016 under Sections 25(1AA)/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In Re : Nijam Purkait petitioner

Ms. Sreyashee Biswas

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Soumik Ganguli

....for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits that he is in custody for more than five years. It is also submitted that co-accused persons have been enlarged on bail by this Court.

Learned Counsel appearing for the State opposes the prayer for bail and submits that petitioner is the principal dealer of arms and his bail prayer was rejected earlier.

We have considered the materials on record. Petitioner had suffered detention for more than five years. Prayer for bail of the petitioner was turned down in March, 2021 and the trial court was directed to conclude the trial within three months. We note that there is little progress in the trial since last rejection of bail by this Court.

In view of facts and circumstances of the case and the protracted period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail, however, subject to strict conditions.

Accordingly we direct that 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, Alipore, on further conditions that while on bail he shall remain within the jurisdiction of Rabindranagar Police Station until further orders except for attending court proceeding and shall report to the Officer in Charge of the said Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

