

CRM(DB) No.7 of 2022
Via video conference

14.02.22
(S.R.)
Sl.17
Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Rabindranagar** Police Station Case No.334 of 2016 dated 06/09/2016 under Sections 25(1AA)/35 of the Arms Act and Sections 3 and 4 of the Explosive Substances Act;
And

In re: Md. Selim

... petitioner.

Ms. Sreyashee Biswas
Ms. Puja Goswami

... for the petitioner.

Mr. Bidyut Kr. Roy
Miss. Rita Datta

...for the State.

Ms. Biswas, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for more than 5 years. Out of 19 witnesses, only 7 witnesses have been examined. In view thereof, there is no possibility towards conclusion of the trial in the near future. She further submits that out of five accused persons, three had already been granted bail by a Coordinate Bench of this Court and one co-accused person had been granted bail by the learned court below. In the said conspectus and on the ground of parity, the petitioner may be enlarged on bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statements of the witnesses and other materials in the case diary.

Upon assessing the materials in the case diary, *prima facie*, it appears that the role assigned to the petitioner is similar to the other accused persons who have been granted bail by a Coordinate Bench of this Court.

In view thereof and since there is also no possibility towards conclusion of the trial in the near future, we are of the opinion that further detention of the petitioner is not warranted.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, 4th Court, Alipore, South 24-Parganas with a further condition that the petitioner shall attend the learned trial court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM(DB) No.7 of 2022 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.)