

30.11.2022
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allowed

CRM(DB) No. 4222 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with North Port Police Station Case No. 29 of 2011 dated 01.04.2011 under Sections 399/402 of the Indian Penal Code and Section 25(1B)(A) of the Arms Act.

And

In Re : Md. Asif petitioner

Mohammad Khairul
Mohammad Irfan

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Jonaki Saha

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 85 days. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

We have considered the materials on record. In view of the aforesaid fact, we are inclined to grant bail to the petitioner, 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 Chief Metropolitan Magistrate at Calcutta, on further conditions that while on bail the petitioner shall remain within the jurisdiction of North Port Police Station until further orders except for the purpose of attending court

proceeding and shall report to the Officer in Charge of the North Port 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)