

11.10.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 3939 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally P. S. Case No.188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34/114 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act and Sections 3/5 of the Explosive Substance Act.

In the matter of : **Faiyaz Hossain @ Kallu.**

.... Petitioner.

Mr. Ayan Bhattacharya,
Mr. Kunal Ganguly.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

1. Petitioner is in custody for two years and four months.

He submits there is delay in trial. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer.

He contends petitioner was member of a group who had hurled bombs and fired at the victim.

3. We have considered the materials on record. We have also considered the evidence of the witnesses examined till date. None of the witnesses have attributed any overt act to the petitioner. Even de-facto complainant who is an eyewitness does not attribute any role to the petitioner.

4. Learned Additional Public Prosecutor strongly argues other witnesses (yet to be examined) have identified the petitioner during T. I. Parade examination. Even so as the de-facto complainant-eyewitness does not speak of the presence of

the petitioner at the place of occurrence, we are inclined to enlarge the petitioner on bail subject to conditions.

5. Accordingly, the petitioner viz., **Faiyaz Hossain @ Kallu** 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, South 24-Paraganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Entally Police Station except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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

7. The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

