

17.11.2023.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4170 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 of the Indian Penal Code read with Sections 25(2)/27 of the Arms Act.

In the matter of : **Md. Arshad.**

.... Petitioner.

Mr. Tarique Quasimuddin,
Ms. Zainab Tahur,
Md. Shahanawaz Alam.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

1. Petitioner is in custody for more than two and half years. Co-accused are on bail. There is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. He submits petitioner has criminal antecedents and arms were recovered from his possession.
3. In reply, it is contended petitioner has been discharged in most of the cases.
4. We have considered the materials on record. Evidence against the petitioner are general and omnibus in nature. Co-accused have been enlarged on bail. There is delay in trial. He has been discharged in most of the cases registered against him.

5. Under such circumstances, we do not find any justification to keep the petitioner in custody and he may be enlarged on bail.

6. Accordingly, the petitioner viz., **Md. Arshad** 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)