

01.12.2023
Sl. No.59
akd
[ALLOWED]

C. R. M. (DB) 4470 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2023 in connection with Entally Police Station Case No.188 of 2021 dated 17.05.2021 under Sections 307/324/323/424/34 of the Indian Penal Code and Sections 25(1B)/A/25(2)/27 of the Arms Act.

And

In Re: ***Md. Nasim Ahmed***

... .. Petitioner

Mr. Shareq Siddique
Ms. Shahnawaz Alam

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Kum Kum Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 930 days. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Co-accused have been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely ***Md. Nasim Ahmed***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-Parganas subject to condition that the said petitioner 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 of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)