

20.12.2023.  
117.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 4637 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tiljala P.S. Case No.352 of 2020 dated 20.11.2020 under Sections 395/397/468/471/120B of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

In the matter of : **Md. Sahid & Anr.**

.... Petitioners.

Mr. S. Basu,  
Mr. S. S. Basu,  
Ms. S. Naskar.

...for the Petitioners.

Mr. A. Mukherjee,  
Ms. Manashi Ray.

...for the State.

1. Petitioners are in custody for more than three years. They submit there is delay in trial. They pray for bail.
2. Learned Advocate for State opposes the bail prayer. He contends petitioners were identified in Court as the miscreants. Trial has substantially progressed.
2. We have considered the materials on record. Though petitioners are in custody for more than three years, prosecution has not concluded its evidence. Offence, if proved, would not attract mandatory life imprisonment.
3. Keeping in mind the aforesaid facts and as vulnerable witnesses have already been examined, we are inclined to grant bail to the petitioners.
4. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Chief Judicial Magistrate, South 24-Paraganas at Alipore subject to condition that they 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 petitioner while on bail shall meet Officer-in-charge, Tiljala Police Station once in a week until further orders.

5. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**