

07.03.2024
tkm/ct 28
sl no. 34

C.R.M. (DB) 745 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal P.S case no. 52 of 2021 dated 12.1.2023 under sections 489(B)/489(c)/120B IPC read with section 25(i)(a)/27/35 of the Arms act
and

Allowed

In Re : Kashimuddin @Kashim @ Bichhi

... petitioner

Ms. Sujata Das

..... for the petitioner

Mr. S S Imam

Mr. Asif Dewan

..... for the State

Mr. Sandip Chakraborty

..... for the de facto complainant

1. Petitioner is in custody for 470 days. He submits he was on bail earlier. He could not appear before the trial court as he had been implicated in other cases. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He submits petitioner had absconded and had to be re-arrested.

3. We have considered the materials on record. Conduct of the petitioner is not appreciable. However, he is in custody for a protracted period of time. There is no chance of trial concluding in the near future.

4. Under such circumstances, we are inclined to grant bail to the petitioner however subject to strict conditions.

5. Accordingly, the petitioner 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 ACJM Chanchal, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner

whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Chanchal P.S and shall report to the Officer-in-Charge of Chanchal police station once in a week until further orders.

6. 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.

7. The application being CRM (DB) 745 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)