

10.04.2024
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 983 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.03.2024 in connection with Kolkata Leather Complex Police Station Case No.103 of 2020 dated 08.10.2020 under Sections 395/397 of the Indian Penal Code and Sections 25(1B)(A)/27 of the Arms Act.

And

In Re: ***Johab Ahmed @ Jokab Ahmed @ Zohaib & Anr.***
... .. Petitioners

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioners

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor
Mr. Surojit Sinha
... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than three years. It is further submitted there is delay in trial. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioners had been identified in dock. Eighteen witnesses have already been examined.
3. We have considered the materials on record. Petitioners are in custody for more than three years. Though allegations are serious, offences, even if proved, would not attract mandatory life imprisonment. Till date prosecution has examined 18 out of 32 witnesses. There is no possibility of trial concluding in the near future. Petitioners are not responsible for the delay. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Johab Ahmed @ Jokab Ahmed @ Zohaib & (2) Md. Azad***, be released on bail upon

furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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-Parganas subject to condition that the said petitioners 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)