

23.04.2024.
23.
Ct.No.28.
as
(Allowed)

C.R.A. (DB) 94 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ekbalpore Case No.486 of 2022 dated 11.10.2022 under Sections 147/148/149/307/427/201/34 of the Indian Penal Code read with Sections 8/9 of the West Bengal Maintenance of Public Order Act and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

In the matter of : **Sahid Hossain @ Shahid Hossain.**

.... Appellant.

Mr. Anand Keshari,
Ms. Sutapa Ghosh (Bose).

...for the Appellant.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sanjana Saha.

...for the State.

1. Appellant is in custody for 57 days. He submits co-accused are on bail. There is no chance of abscondence. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bial.

3. Inspite of notice, nobody appears for the Victim.

4. We have considered the materials on record. Allegations against the petitioner are general and omnibus. Co-accused have been enlarged on bail. There is little possibility of trial concluding in the near future.

5. Under such circumstances, we are inclined to enlarge the petitioner on bail.

4. Accordingly, the petitioner viz., **Sahid Hossain @ Shahid Hossain** shall be released on bail upon furnishing a bond of Rs.25,000/- 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 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 and on further condition that the appellant, while on bail, shall not enter the municipal limits of the city of Kolkata 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 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.

6. The appeal is accordingly allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)