

23.04.2024
Serial no. 4
[G.S.D]

CRM (SB) 50 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Salanpur P.S. Case No. 74 of 2023 dated 17.04.2023 under sections 379/420/406/407/427/120B of the IPC, 1860 and Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.**

-And-

In the matter of : Kazi Zainal Absar

... .. Petitioner

Mr. Milon Mukherjee
Mr. Subrata Bhattacharya
Mr. Indranuj Dutta
Mr. Asmanur Quail
Mr. Rony Mondal

... for the petitioner

Mr. Rudradipta Nandy
Mr. Akash Ganguly

... for the State

The petitioner was arrested and is in custody since 27th of March, 2024 after the prayer for anticipatory bail was rejected by the Hon’ble Supreme Court.

Mr. Mukherjee, Id. Senior advocate for the petitioner, submits that the petitioner was taken into five days’ police custody and, thereafter, he is detained in jail.

Ld. Advocate submits that there are hardly any materials which would go to reflect that the petitioner has not co-operated with the investigation and, as such, after 27 days’ of custody, he may be released on bail.

Ld. Advocate for the State opposes the prayer for bail and submits that the petitioner has tampered with the GPS system of the vehicle and offloaded the materials, as such, he may not be favoured with the order of bail.

This court enquired from Mr. Nandy , Id. Advocate for the State, as to when, lastly, the petitioner was interrogated by the investigating officer of the case to which the Id. Advocate for the State replied that on 3rd of April, 2024, the petitioner was lastly interrogated.

Having considered the period of detention of the petitioner, the materials which have already been collected and the period of prescribed punishment in respect of the offence alleged, I am of the view that further detention of the petitioner is not warranted in the facts and circumstances of the present case.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Kazi Zainal Absar shall be released on bail upon furnishing 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 Id. CJM, Paschim Bardhaman.

If on bail, the petitioner shall meet with the investigating officer of the case once a week till the charge-

sheet is submitted and shall not leave the jurisdiction without the permission of the investigating officer.

Accordingly, CRM(SB) 50 of 2024 is **allowed**.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)