

05.07.2024
Item no. 35.
Court No.28.
AB
(Allowed)

CRM (DB) 1916 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No.130 of 2021 Dated 31.7.2021 under Sections 307/333 34 of the Indian Penal Code

And

In the matter of : Md. Javed

.....Petitioner.

Md. Khairul,
Ms. Shabab Alamfor the Petitioner.

Mr. Arindam Sen,
Mr. Atulya Sinhafor the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Advocate for the petitioner has submitted that the petitioner has been languishing in judicial custody for about two years and ten months and only 3 out of 16 witnesses have been examined. As there is no chance of early conclusion of the trial, he may be granted bail on any condition.

Learned Advocate for the State has raised strong objection. According to him, there are criminal antecedents of the present petitioner and further, if he is enlarged on bail, he may abscond. Learned Advocate has also submitted that there is sufficient material against the present petitioner.

After going through the material in the case diary, it appears that charge sheet was submitted on 21.07.2021 and

charge was framed on 26.07.2022. Sufficient time was given to the prosecution to complete the trial of the instant case, but in vain.

Considering the period of detention of the petitioner and keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely **Md. Javed** shall 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 Chief Metropolitan Magistrate, Kolkata, and on further conditions that the petitioner shall not enter the jurisdiction of Muchipara Police Station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-charge in whose jurisdiction he will be residing and shall also appear before such Officer-in-charge once in a fortnight until further orders.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)