

21.
Court
No.28

14.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2057 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Itahar** Police Station Case No. **450/2022**, dated **13.08.2022** under Sections **302/201/120B/34** of the Indian Penal Code.
And

In the matter of: - **Nabab Ali**

Mr. Sarwar Jahan
Mr. Sayantan Hazra
Ms. Anand Keshari

...petitioner.

...for the petitioner.

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on April 24, 2023. He says that out of eight prosecution witnesses who have been examined so far, excepting for the wife of the victim, nobody names the petitioner. Further, he is in custody for almost one year and ten months. There are 34 witnesses. There is little chance of the trial concluding at an early date.
2. While opposing the prayer for bail, learned Advocate for the State draws our attention to the material in the case diary and also to the earlier rejection order. He says that there is sufficient incriminating material against the petitioner.
3. We have seen the material in the case diary. We have perused the depositions of the witnesses examined so far. Learned Advocate for the petitioner is right in saying that excepting the victim’s wife, none of the other witnesses mentioned the petitioner.

4. In view of the aforesaid and also keeping in mind that the petitioner has been in custody for a long time and there is little chance of the trial concluding at an early date, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Nabab Ali** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail being CRM (DB) 2057 of 2024 is accordingly disposed of.

7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)