

12.
14-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2100 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burrabazar Police Station Case No.130 of 2022 dated 07-06-2022 under Sections 419/467/468/471/120B/365/395/412/34 of the Indian Penal Code.

- A n d -

In the matter of : Abdus Salem Shaikh

.... Petitioner.

Mr. Md. Sarwar Jahan,
Ms. Susmita Das

... For the Petitioner.

Mr. Rudradipta Nandy, learned APP,
Mr. Ranadeb Sengupta,
Mr. Subhasish Datta

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner is in custody for more than two years two months. He says that although there may have been alleged recovery from him, two other accused persons, namely, Samiran Patra and Surajit Sarkar, have been granted bail, although larger quantity of silver was seized from them.

Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material in the Case Diary.

We find that out of 40 witnesses, only the first prosecution witness is in the process of being examined. The petitioner is in custody for a long period of time. Keeping in view the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial and also on an overall consideration of the material on record, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Abdus Salem Shaikh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Chief Metropolitan Magistrate, Calcutta. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2100 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)