

18.09.2024
Item no.15.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2261 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dankuni P.S. Case No. 388 of 2022** dated **29.10.2022** under **Sections 25(1B)/25(6)/25(7)/25(8) of the Arms Act** read with **Section 9(vi) of the Arms (Amendment) Act, 2019.**

And

In the matter of : Minarul Islam @ Minarul.
.....Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,for the Petitioner.

Mr. Anand Keshri,
Ms. Debadrita Mondal,for the State.

Dictated by Arijit Banerjee, J.

1. Pursuant to the order dated September 5, 2024, passed by a co-ordinate Bench, learned Registrar General has filed a report along a copy of the report of the learned Registrar (Judicial Service). It appears from the said report that the order dated July 11, 2023, passed by the Hon'ble Supreme Court was communicated to the District Judge, Hooghly as well as the concerned Additional Chief Judicial Magistrate, Serampore, on July 17, 2023. Let the report be kept with the records.
2. The Hon'ble Supreme Court, by the aforesaid order, had directed the learned Trial Court to complete the

trial preferably within a year from the date of that order i.e. July 11, 2023.

3. The petitioner said that more than 1 year has elapsed since the date of the Supreme Court's order. Only 2 out of 13 charge-sheet named witnesses have been examined.
4. Learned advocate for the State, while opposing the prayer for bail, says that the prosecution proposes to examine only 8 witnesses.
5. The petitioner is in custody for 1 year 10 months. The trial has not been completed within the time period that was prescribed by the Hon'ble Supreme Court.
6. On an overall assessment of the material-on-record, we are of the view that further custodial detention of the petitioner is not necessary.
7. Accordingly, we direct that the petitioner, namely **Minarul Islam @ Minarul** 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 Additional Chief Judicial Magistrate, Serampore, Hooghly and on further conditions that he shall not leave the jurisdiction of the Serampore police station and shall report to the Inspector-in-Charge of the Serampore police station once in a week until further orders.

8. 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 in any manner whatsoever.
9. 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.
10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)