

33. 24.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2478 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dholahat** Police Station Case No. **169/2022**, dated **21.04.2022** under Sections **395/397/412** of the Indian Penal Code.
And

In the matter of: - **Abdul Hai Laskar**

...petitioner.

Mr. Dipanjan Chatterjee
Mr. Kalyan Kumar Bhattacharjee
Ms. Rimpa Adhikari

...for the petitioner.

Mr. Rana Mukherjee, APP
Mr. Sufi Kamal

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on more than one occasion and lastly on April 9, 2024, in CRM (DB) 1056 of 2024. He says that the other four accused persons have been granted bail. He stands on the same footing. He claims parity.
2. While opposing the prayer for bail, learned Additional Public Prosecutor points out that a co-ordinate Bench, by order dated May 4, 2023, had cancelled the bail that was granted to this petitioner by the learned Trial Court. Thereafter, the co-ordinate Bench has rejected the petitioner's prayer for bail. Therefore, the present application should be rejected.

3. Learned Additional Public Prosecutor also draws our attention to the material in the case diary and says that there is sufficient incriminating material against this petitioner. Further, he was identified in Test Identification (T.I.) Parade.
4. We have considered the rival contentions of the parties. The petitioner is in custody for 418 days. We find that while rejecting his prayer for bail on April 9, 2024, the co-ordinate Bench requested the Trial Court to consider the issue of framing of charge at the earliest. More than five months have elapsed since then. Charge is yet to be framed.
5. We are told that there are 18 charge-sheet named witnesses. The trial has not yet begun. Solely on the ground of delay, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Abdul Hai Laskar** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip South 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the geographical

limits of the districts of South 24-Parganas and North 24-Parganas except for the purpose of attending Court proceedings and shall furnish his present address, where he will be residing, to the Officer-in-Charge of Dholahat Police Station and also meet the Officer-in-Charge of the jurisdictional Police Station, where he will be presently residing, once in a week, until further orders.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2478 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)