

38. 18.09.2024
Court
No.28 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 2411 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 **Deganga** Police Station Case **No.303/2022** dated **04.05.2022** under Sections **498A/406/304B/302/34** of the Indian Penal Code.

And

In the matter of: - **Ibrahim Mistry @ Ebrahim Mistry**

...petitioner.

Mr. Susnigdho Bhattacharyya (VC)

...for the petitioner.

Ms. Sreyashee Biswas

Mr. Mirza Firoj Ahmed Begg

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected twice earlier by a co-ordinate Bench on September 21, 2022, in CRM (DB) 3196 of 2022 and on February 21, 2023 in CRM (DB) 4521 of 2022.
2. The petitioner says that he is in custody for more than two years and four months. He has no complicity in the alleged crime. He was the person who took the victim to hospital. Only seven out of 21 charge-sheet named witnesses have been examined. There is no likelihood of an early conclusion of the trial. He prays for bail.
3. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary including statements of witnesses recorded under Section

161 of the Code of Criminal Procedure, 1973. There are general allegations.

4. However, we find that the petitioner is in incarceration for a long period of time. There is little likelihood of the trial being concluded at an early date. On the ground of delay, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Ibrahim Mistry @ Ebrahim Mistry** 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 District & Sessions Judge, First Track Court-I, North 24-Parganas at Barasat, 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 leave the geographical limits of the State of West Bengal without the leave of the learned Trial Court.
6. 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.
7. The application for bail being CRM (DB) 2411 of 2024 is accordingly disposed of.

8. 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.)

(Apurba Sinha Ray, J.)