

37. 24.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2503 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 **Kaliachak** Police Station Case No. **740/2018**, dated **06.10.2018** under Sections **489(B)/489(C)/120B** of the Indian Penal Code read with Sections **25(I-B)(I-AA)/35** of the Arms Act.

And

In the matter of: - **Md. Tamrej @ Md. Tamarej** ...petitioner.
Mr. Tarique Quasimuddin
Mrs. Zainab Tahur
...for the petitioner.
Ms. Sreyashee Biswas
Ms. Rita Datta
...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on May 19, 2023, in CRM (DB) 2053 of 2023. He says that he is in custody for almost six years. Only six out of 12 Charge-sheet named witnesses have been examined. On the ground of delay he renews his prayer for bail.
2. While opposing the prayer for bail, learned State Advocate points out from the case diary that there is *prima facie* incriminating material against the petitioner. Over Rs.1,00,000/- (Rupees One Lakh) worth of Indian fake currency notes were seized from the petitioner.
3. The prosecution may have the strongest possible case against the petitioner, we say nothing regarding that. However, six

years is far too long a period of time to keep an under-trial in custodial detention. We notice from the order dated May 19, 2023, whereby a co-ordinate Bench rejected the petitioner's earlier prayer for bail that the Bench had directed the Trial Court *"to conclude the trial by fixing schedules at regular intervals preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties. In the event witnesses were not available, trial court may resort to their examination through video linkage."* However, no substantial progress appears to have been made since that order was passed.

4. In view of the aforesaid, solely on the ground of inordinate delay in progress of trial, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Md. Tamrej @ Md. Tamarej** 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 Sessions Judge, 5th Court, Malda, 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 territorial jurisdiction of Kaliachak Police Station except for the purpose of investigation and for attending Court proceedings and shall furnish his present address, where he will be residing, to the Officer-in-Charge of Kaliachak 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.

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) 2503 of 2024 is accordingly disposed of.
8. 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.)