

21. 08.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2630 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 arising out of **Durgapur** Police Station Case No. **405/22** dated **02.09.2022** under Section **302** of the Indian Penal Code. Charge-sheet filed under Sections **302/381/411** of the Indian Penal Code.
And

In the matter of: - **Sk. Jahir @ Jabar @ Hussain @ Jahar Ali Sekh**
...petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.
Mr. Kusal Kumar Mukherjee
Mr. Diptangshu Basu
...for the petitioner.

Mr. Sudip Kumar, APP
Mr. Dipankar Mahata
...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. We find that the prosecution intends to examine 15 out of 16 charge-sheet named witnesses. Only five witnesses have been examined so far. It is anybody's guess as to when the trial will conclude.
3. The petitioner is in custody for more than two years. The case is based on circumstantial evidence.
4. Keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, we are inclined to enlarge the petitioner on bail but on stringent conditions:
5. Accordingly, we direct that the petitioner, namely, **Sk. Jahir @ Jabar @ Hussain @ Jahar Ali Sekh** 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, Paschim Bardhaman, 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 territorial jurisdiction of Borjora Police Station, Bankura, except for the purpose of attending Court proceeding and shall report to the Officer-in-Charge/Inspector-in-Charge of Borjora Police Station, 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) 2630 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.)