

25.11.2024

Item no. 55.

Court No.29.

AB

(Partly Allowed)

CRM (DB) 2812 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kanksa Police Station Case No.326 of 2021 Dated 25.10.2021 under Sections 395/397/412 of the Indian Penal Code read with Sections 25(1B)(a)/27(i)/35 of the Arms Act

And

In the matter of : Firoj Sk. @ Firoz Sk. & Others

.....Petitioners.

Ms. Sonali Dasfor the Petitioners.

Mr. Joydeep Roy,
Ms. Sana Naazfor the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State, be kept with the records.
2. We are told by learned State Advocate that the prosecution proposes to examine all 47 charge sheet named witnesses. The prosecution cannot indicate any timeframe within which the trial is expected to conclude.
3. The petitioners say that they are in custody for more than three years. Only 7 out of 47 charge sheet named witnesses have been examined. There is absolutely no possibility of an early conclusion of the trial. We are also told that the petitioner nos.1 to 4 do not have any criminal antecedents. On the touchstone of Article 21 of the Constitution of India, without touching the merits of

the case, we are inclined to grant bail to the petitioner nos.1 to 4.

4. Accordingly, we direct that the petitioner nos.1 to 4, namely, **Firoj Sk. @ Firoz Sk., Mabud Sk., Suparna Bibi @ Suparna Das @ Saha, Jyotsna Das @ Jyotsna Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Durgapur, Paschim Burdwan, and on further conditions that they shall not leave the jurisdiction of the Kanksa Police Station and the petitioner nos.1 and 2 shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner nos.1 to 4 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 and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner nos.1 to 4 fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
7. Insofar as the petitioner nos.5 and 6 are concerned, they have criminal antecedents and criminal cases are

pending against them. Hence, we are not inclined to enlarge them on bail.

8. The prayer for bail in respect of the petitioner nos.5 and 6 is rejected.
9. The application for bail is partly allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Subhendu Samanta, J.)