

63
25-11-2024
(ct. no. 29)
S.De
Allowed

CRM (DB) 2857 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Rajarhat Police Station** Case No. **296 of 2022** dated **21.09.2022** under Sections **302/120B** of the Indian Penal Code and Section 35 of the Arms Act.

- A n d -

In the matter of : Md. Sarif @ Akash @ Bhupo.

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Madhurai Sinha,
Mr. Ranabeer Halder,

... For the Petitioner.

Ms. Minoti Gomes,
Ms. Kanchan Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for two years one month. He prays for bail on the ground of parity citing orders dated July 10, 2024, passed in CRM (DB) 1772 of 2024 and dated August 14, 2024, passed in CRM (DB) 2108 of 2024. He says that he stands on the same footing as the petitioners in those two bail applications. Witness action has not yet begun. There are 58 charge sheet named witnesses.

3. Opposing the prayer for bail, learned State Advocate points out that a Coordinate Bench had rejected the bail prayer of other accused persons and also of this petitioner on June 19, 2024. Thereafter, charge was framed in July 2024. However, since then the Court is lying vacant.

4. We see that there is absolutely no possibility of the trial concluding on an early date. The Court is lying vacant. There are 58 charge sheet named witnesses. Solely on the ground of lengthy detention of the petitioner and seeing that there is no possibility of

early conclusion of the trial, without touching the merits of the case, we are constrained to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Md. Sarif @ Akash @ Bhupo** shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Barasat subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Subhendu Samanta, J.)**

(**Arijit Banerjee, J.)**