

CRM (DB) 2916 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of BNSS in connection with **Bhangore Police Station** Case No. **406 of 2021** dated **18.09.2021** under Sections **302/120B** of the Indian Penal Code.

- A n d -

In the matter of : Abdul Aip Molla @ Bablu Molla @ Abdur Aip Molla @ Ayep Ali Molla

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Pronay Basak,
Mr. Mahammad Rejaul,

... For the Petitioner.

Mr. Joydeep Roy,
Mr. Sachit Talukdar,

... For the State.

1. Heard the learned lawyers for both the parties.
2. Petitioner is in custody for more than three years. He submits that in spite of the direction by this Court to conclude the trial preferably within one year in CRM (DB) 2370 of 2023, trial has not concluded. Evidence adduced so far is sketchy and does not establish the prosecution case beyond doubt. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the bail prayer and submits that petitioner and others committed the murder. Trial has considerably progressed. 18 witnesses have been examined. Prosecution proposes to examine 6 more witnesses.
4. We have considered the materials on record. Prosecution case is based on circumstantial evidence. Recovery of the incriminating mobile phone is not supported by independent witnesses. That apart, most of the witnesses of fact have already

been examined. The petitioner is in custody for a considerable period of time.

5. Under such circumstances, we are of the opinion that further continuation of detention of the petitioner is not necessary and he may be released on bail.

6. Accordingly, we direct that the petitioner, namely, **Abdul Aip Molla @ Bablu Molla @ Abdur Aip Molla @ Ayep Ali Molla**, 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 Additional District and Sessions Judge, Fast Track Court, Baruipur, South 24 Parganas and on further conditions that the petitioner 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 in any manner whatsoever and on further conditions that the petitioner while on bail shall remain within Bhangore Police Station except for the attending court proceedings and shall report the Officer in Charge of the Bhangore Police Station once in a week until further orders.

7. 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 his bail in accordance with law without further reference to this court.

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

(**Gaurang Kanth, J.)**

(**Joymalya Bagchi, J.)**