

23.12.2024

Sl. 43

Court No.29

Suvayan/

Sourav

(Allowed)

C.R.M. (DB) 2995 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as well as under Section 483 of the B.N.S.S., 2023 in connection with **Burrabazar** P. S. Case No. **130** of **2022** dated **07.06.2022** under Sections **419/ 467/ 468/ 471/ 120B/ 365/ 395/ 412/ 34** of the IPC (Corresponding to G.R. Case No. **711** of **2022**).

And

In the matter of: **Firoz Mondal**

....petitioner

Mr. Santanu Talukdar

Mr. Indranil Roy Chowdhury

Mr. Priyankar Ganguly

...for the petitioner.

Mr. Joydeep Biswas

Mr. Dattatreya Dutta

...for the State.

Dictated by Partha Sarathi Sen, J.

1. At the time of hearing learned advocate for the petitioner submits before this Court that considering the fact that the present accused petitioner is languishing in J.C. for more than two years and three months, the instant application for bail may be considered favourably. It is further contended on behalf of the petitioner that similarly circumstanced co-accused persons have been enlarged on bail.
2. At the time of hearing, learned advocate for the State submits a report dated 09.12.2024 as prepared by the I.O. The said report is taken on record.
3. It is submitted on behalf of the State that from the report as submitted today, it would reveal that the progress of the trial is not at all slow as wrongly alleged.
4. On perusal of the entire materials, it reveals that out of 40 witnesses as on this day, only one witness has been examined in part and the evidence of P.W. 1 was started long back on

16.06.2023.

5. From the report as submitted today on behalf of the State, we do not find any cogent explanation as to what prevented the prosecution to complete the recording of evidence of P.W. 1 till date though the same was started as far as back on 16.06.2023.
6. We thus find that there is no immediate chance of conclusion of the trial at an early date.
7. Considering the plight of the petitioner and also considering the long incarceration of the petitioner, we are thus inclined to allow the prayer for bail of the petitioner.
8. Accordingly, we direct that the petitioner, namely, **Firoz Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Chief Metropolitan Magistrate, Calcutta. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further order.
9. In the event, the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
10. Accordingly, the prayer for bail of the petitioner is allowed.

11. CRM (DB) 2995 of 2024 is disposed of.
12. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
13. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)