

52. 17.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3074 of 2024

In Re: - An application for bail under 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Rajarhat** Police Station Case No. **238/2022** dated **25.7.2022** under Sections **341/323/325/307/354** of the Indian Penal Code, 1860.

And

In the matter of: - **Nur Mahammad Sk. @ Bishu @ Nur Mohamad Sk.**

...petitioner.

Mr. Sabyasachi Mukherjee
Mr. Mukesh Khanna
Mr. Mrinmoy Nandy
Mr. Shah Mohammed Umer Edne Sathique
Ms. Swastika Saha

...for the petitioner.

Mr. Saibal Bapuli, APP
Mr. Md. M.F.A. Begg

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is in custody for about two years and five months. Only two witnesses out of 10 charge-sheet named witnesses have been examined. Since there are eight more witnesses remain to be examined, there is no chance of an early conclusion of the trial. Considering the period of detention, he may be enlarged on bail on any condition that this Court may direct.
2. Learned Counsel for the State strongly opposes the prayer for bail. According to him, the petitioner is a veteran criminal and several criminal cases are pending against him. There

are sufficient incriminating materials against the present petitioner and as such, he prays for rejection of the petitioner's prayer for bail.

3. We have considered the materials on record. We find that the petitioner is in custody for about two years and five months. The victim has already been examined in this case and there are eight more witnesses remain to be examined by the prosecution. There is no chance of an early conclusion of the trial.
4. Considering the petitioner's lengthy detention and also the fact that the fundamental right of a citizen to personal liberty and speedy trial cannot be lost sight of, we are inclined to allow the prayer for bail of the present petitioner on certain conditions.
5. Accordingly, we direct that the petitioner, namely, **Nur Mahammad Sk. @ Bishu @ Nur Mohamad Sk.** 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 Chief Judicial Magistrate, North 24-Parganas at Barasat, 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 remain within the jurisdiction of Barasat Police Station and shall furnish his present address to the respective Inspectors-in-Charge of Rajarhat Police Station as well as Barasat Police Station and shall also meet the Inspector-in-Charge of Barasat Police Station in every alternate day, 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) 3074 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)