

05.11.2024
Ct. No. 28
SL No. 77
SB

C.R.M. (DB) 3134 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S., 2023 in connection with **Hariharpara** P.S. Case No. 127 of 2022 dated **23.3.2022** under Sections 392/395/412 of the Indian Penal Code read with Section 25/27 of Arms Act.

And

In the matter of: Masum Reza @ Bullet @ Masum Reza Mondal

Mr. Jisan Iqbal Hossain ...for the Petitioner

Mr. Ranadeb Sengupta
Mr. Saibal Krishna Dasguptafor the State

1. Learned counsel for the petitioner submits petitioner is in custody for two years and seven months. He submits trial has not concluded as yet. Co accused Habib Sk. has been enlarged on bail.
2. Learned counsel for the State submits petitioner does not stand on the same footing with Habib Sk. as the independent witnesses to recovery had not been declared hostile. This is, however, disputed by the learned counsel for the petitioner.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Offences even if proved would not attract mandatory life imprisonment. There is no possibility of trial concluding in the near further. Co-accused Habib Sk. is on bail.
4. Under such circumstances, we are inclined to enlarge the petitioner on bail.
5. Accordingly, we direct the petitioner 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, Berhampore, Murshidabad subject to

condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)