

08.11.2024.  
67.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 3400 of 2024**

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with S.T.F. P.S. Case No.11 of 2016 dated 25.09.2016 under Sections 120B/121/121A/122/123/124A of the Indian Penal Code and under Section 14 of the Foreigners Act, charge sheet submitted under Sections 120B/419/420/467/468/471/121/121A/122/123/124A of the Indian Penal Code and under Section 14 of the Foreigners and subsequently supplementary charge sheet under Sections 120B/121/121A/122/123/124A of the Indian Penal Code and under Sections 4/5 of the Explosive Substances Act.

In the matter of : **Abdul Kalim @ Azad @ Abdul Kalam.**  
.... Petitioner.

Mr. Arnab Chatterjee,  
Mr. Avik Ghosh,  
Ms. Dhanasree Biswas,  
Ms. Poulami Bose.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,  
Mr. Rudradipta Nandy, Id. A.P.P.,  
Mr. Rahul Ganguly.

...for the State.

1. Petitioner is in custody for more than eight years. He submits there is no possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner had been convicted in another case and was sentenced to eight years' imprisonment.
3. In reply, petitioner submits the period of sentence awarded in the previous conviction has come to an end and he is entitled to concurrent running of sentences, in the event he is convicted in the present case in view of Section 467 of BNSS.

4. We have considered the materials on record. Allegations are very serious. It is alleged petitioner is a member of a banned organization. However, no overt act is attributed to the petitioner and his complicity to the offences is primarily based on uncorroborated statement of co-accused. Petitioner has already served out the sentence awarded in another case and is entitled to seek concurrent running of both terms of imprisonment, even he is convicted in the present case as per Section 467 of BNSS. There is no possibility of trial concluding in near future.

5. Under such circumstances, we are of the opinion further detention of the petitioner would infract his right to speedy trial under Article 21 of the Constitution of India and he is entitled to bail on this score.

6. Accordingly, the petitioner viz., **Abdul Kalim @ Azad @ Abdul Kalam** 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, Kolkata 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 petitioner while on bail shall remain within the district of Kolkata and South 24-Paraganas and provide address where he shall presently reside to the Officer-in-charge, S.T.F. Police Station and court below and shall report to the Officer-in-charge, S. T. F. Police Station once in a week

until further orders. The mobile numbers of the petitioner shall also be provided to the investigating agency.

7. In the event the petitioner fails to appear before the Trial Court 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.

8. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**