

09.12.2024
Item no.06.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3909 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Beliaghata Police Station Case No. 05 of 2022** dated **22.01.2022** under **Sections 120B/395/397/307 of the Indian Penal Code read with Sections 25(1B)/27 of the Arms Act.**

And

**In the matter of : Sadique Hossain @ Guddu.
.....Petitioner.**

Mr. Manojit Debnath,
Mr. Rhitam Chatterjee,
Ms. Aatreya Mukherjee,for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Ms. Rita Datta,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail. He says that he is in custody for 2 years and 11 months. 4 out of 72 chargesheet named witnesses have been examined. There is no possibility of early conclusion of the trial. Two accused persons have been granted bail by the Hon'ble Supreme Court by an order dated October 4, 2024, solely on the ground of delay in progress of trial. The petitioner is similarly circumstanced.
2. Opposing the prayer for bail, learned Additional Public Prosecutor says that there is clinching evidence against this accused person. The charge is

of dacoity. All efforts will be made to expedite the trial.

3. The prosecution may have a very strong case against this petitioner. That is a question of merits. However, the petitioner has been in judicial custody for almost 3 years. Only 4 out of 72 chargesheet named witnesses have been examined. There is absolutely no possibility of early conclusion of the trial. Hence, keeping in mind the order of the Hon'ble Supreme Court dated October 4, 2024, we are impelled to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Sadique Hossain @ Guddu** 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 Chief Judicial Magistrate, Sealdah, South 24-Parganas subject to the conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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.

6. 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 the petitioner's bail in accordance with law without further reference to this court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)