

02.01.2024.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4780 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally P.S. Case No.188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34/114 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act and Sections 3/5 of the Explosive Substances Act and charge sheet submitted under Sections 307/324/323/427/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

In the matter of : **Shamim Ahmed @ Shamim Ahmad**
@ Kalta Shamim.

.... Petitioner.

Mr. Debapriya Majumder,
Mr. Akash Sarkar.

...for the Petitioner.

Mr. P. K. Dutta, Id. A.P.P.,
Mr. S. Kundu.

...for the State.

1. Petitioner is in custody for about two and half years. He contends co-accused have been enlarged on bail on the ground of delay. He prays for similar relief.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Though petitioner is in custody for a protracted period of time, trial has not progressed. Only three out of forty-five witnesses have been examined. There is no possibility of trial concluding in the near future. Co-accused are on bail.
4. Under such circumstances, we are inclined to grant similar relief to the petitioner also.
5. Accordingly, the petitioner viz., **Shamim Ahmed @ Shamim Ahmad @ Kalta Shamim** 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, North 24-Paraganas 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)