

03.01.2024
Sl. No.48
akd
[ALLOWED]

C. R. M. (DB) 4821 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.12.2023 in connection with Entally Police Station Case No.188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34 of the Indian Penal Code, Sections 25(1B)(a)/27 of the Arms Act and Sections 3/5 of the Explosive Substances Act.

And

In Re: ***Md. Nazir @ Bachha Kalo***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Anowar Hossain
Mrs. Purnima Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and five months. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits firearm was recovered from the petitioner.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Co-accused have been enlarged on bail. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
4. Therefore, the accused/petitioner, namely ***Md. Nazir @ Bachha Kalo***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 condition that the said petitioner 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 that the petitioner, while on bail, shall not enter the jurisdiction of Entally Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)