

04.01.2024.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4829 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulti P.S. Case No.502 of 2021 dated 23.09.2021 under Sections 25(1)(a)(c)/(7)(i)/(8)/26/27(1)/29(a)(b)/35 of the Arms Act read with Section 120B of the Indian Penal Code.

In the matter of : **Mohammad Firoz & Anr.**

.... Petitioners.

Mr. Tarique Quasimuddin,
Mrs. Zainub Tahur.

...for the Petitioners.

Mr. Prasun Kr. Dutta, Id. A.P.P.,
Mr. Goutam Wilson.

...for the State.

1. Petitioners are in custody for 785 days. They contend there is slow progress in trial. Co-accused viz., Ash Mohammad @ Bablu @ Aas Mahmmad @ Ash Mahammad has been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for State opposes the bail prayer. He contends petitioners are members of an organised crime racket.
3. We have considered the materials on record. Though allegations against the petitioners are grave and bail prayer was rejected earlier, we find there is hardly any progress in trial. Co-accused viz., Ash Mohammad @ Bablu @ Aas Mahmmad @ Ash Mahammad has been enlarged on bail.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioners also.
5. Accordingly, the petitioners viz., **Mohammad Firoz and Mohammad Tanbir** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount

each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, Fast Track Second Court, Asansol subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)