

27.
04-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 83 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Mothabari Police Station Case No.187 of 2020 dated 19-05-2020 under Sections 302/34 of the Indian Penal Code.

- A n d -

**In the matter of : Mir Salamul Ali @ Mir Salemun Ali @
Mir Salanul Ali @ Mir Salemu Ali & Anr.**
.... Petitioners.

Mr. Md. Wasim Akram

... For the Petitioners.

Ms. Anasuya Sinha, learned APP,

Mr. Soumya Basu Roy Chowdhury

... For the State.

Dictated by Prasenjit Biswas, J.

1. It is submitted by learned advocate, appearing on behalf of the petitioners, that the present accused petitioner no.1 is in custody for 2 years 2 months and petitioner no.2 is in custody for 2 years 3 months. It is further submitted that the three FIR named accused persons were already enlarged on bail by this Court on earlier occasions. So, these accused petitioners may be enlarged on bail for their long detention behind the bar.

2. Learned advocate for the State raises objection by submitting that the evidence taking process has already been started. There are sufficient incriminating materials in the Case Diary which show about *prima facie* involvement of this accused petitioner with the alleged offence and, if at this

stage, this petitioner is enlarged on bail then there is every chance of hampering of progress of trial.

3. Perused the materials on record. It appears that these accused petitioners are in custody since for a considerable period of time and two other FIR named accused persons have already been granted bail by this Court. Keeping in mind the long detention of the petitioner behind the bar and as there is very little possibility of an early conclusion of the trial since only 4 out of 16 charge sheet named witnesses have been examined so far, we are inclined to allow the prayer of the petitioners for bail.

4. Accordingly, we direct that the petitioners, namely, **Mir Salamul Ali @ Mir Salemun Ali @ Mir Salanul Ali @ Mir Salemu Ali** and **Mir Afrul Ali**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Malda. The petitioners shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioners shall remain within the geographical limits of the district Malda, but shall not enter the jurisdiction of Mothabari Police Station until further orders. The petitioners shall, through their learned advocate, inform the learned trial Court, Mothabari Police Station and the jurisdictional police station where they shall be residing while on bail, their current local address and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said jurisdictional police station once in a week, until further orders.

5. In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)