

18.03.2025
Item no. 29.
Court No.29.
AB
(Allowed)

CRM (DB) 229 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Goalpokher Police Station Case No.530 of 2023 Dated 21.09.2023 under Sections 302/212/120B of the Indian Penal Code read with Section 25(i)(a)/27/35 of the Arms Act

And

In the matter of : Asim Babu @ Wasim

.....Petitioner.

Mr. Sudip Ghosh,
Mr. Dilip Kr. Maity,
Mr. Bidish Ghosh for the Petitioner.

Mr. Saryati Dutta,
Mr. Tirupati Mukherjee for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated March 12, 2025.
2. Status report filed by the State today, be kept with the records.
3. We find that the prosecution intends to examine 15 more witnesses. The petitioner is in custody already for about one and a half years. There is no likelihood of an early conclusion of the trial.
4. We further see that the entire case is based on circumstantial evidence at least insofar as the petitioner is concerned.
5. Learned State Counsel, while vehemently opposing the bail prayer, draws our attention to the statements of witnesses recorded under Section 183 B.N.S.S. 2023.

He says that the petitioner had an active role to play in the heinous crime of murder. All efforts will be made to conclude the trial on an early date. The prime accused is still absconding.

6. We have considered the facts and circumstances of the case. Insofar as the petitioner is concerned, the case is based on circumstantial evidence. There is little possibility of early conclusion of the trial since the prosecution intends to examine 15 more witnesses. The petitioner is in custody already for about one and a half years.
7. We are, therefore, inclined to allow the petitioner's prayer for bail.
8. Accordingly, we direct that the petitioner, namely **ASIM BABU @ WASIM** 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, Islampur, and on further conditions that he shall not enter the jurisdiction of Goalpokher Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Goalpokher Police Station as well as the Investigating Officer of the case and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside twice in a week until further orders.

9. 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 and/or commit any cognizable offence in any manner whatsoever.
10. 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.
11. The application for bail is, accordingly, allowed.
12. 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.)