

12.03.2025
Item no.41.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 299 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tiljala Police Station Case No. 251 of 2020** dated **07.09.2020** under **Sections 394/302/201** of the Indian Penal Code.

And

In the matter of : Md. Salim @ Imran. ...Petitioner.

Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Avik Ghatak,
Mr. Saibal Dasgupta, for the Petitioner.

Mrs. Z.N. Khan,
Mrs. Manasi Roy, for the State.

Mr. Fazlur Rahaman,
Md. Babul Hossain,
Mr. Mihinur Hossain, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. We see from the status report filed by the State that 16 more witnesses are proposed to be examined by the prosecution. The petitioner is in custody for about four and half years. There seems to be little possibility of an early conclusion of the trial.
2. Learned State counsel tells us that today is the date fixed for examination of further witnesses.
3. Learned counsel for the de facto complainant tells us that there is sufficient incriminating material against the petitioner. He has been implicated by the witnesses examined so far before the learned Trial Court. Earlier, the petitioner suffered rejection of bail prayer on merits.

4. The prosecution may have the strongest possible case to secure the conviction of the petitioner. Indeed, if the incriminating evidence is so overwhelming, it is all the more desirable that the trial should have been concluded on an early date so that the petitioner could have been punished, in accordance with law.
5. However, the trial is continuing for a long period of time. We do not see that the petitioner is solely responsible for the delay in progress of the trial.
6. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **Md. Salim @ Imran** 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, Alipore subject to the condition that the petitioner shall remain within the district of South 24-Parganas, except for the purpose of attending the court proceedings and shall meet the Inspector-in-Charge of the Narkeldanga police station once in a week, until further orders.
8. 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 in any manner whatsoever.
9. 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.

10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)