

April 08, 2025

31 ARDR

(Rejected)

CRM(DB) 512 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Ekbalpore** Police Station Case No. 78 of 2012 dated 11/3/2012 under Sections 302/34 of the Indian Penal Code read with Sections 25(b)(a)/27 of the Arms Act.

And

In Re : Md. Zahid

... Petitioner.

Adv. Shataroop Purkayastha,
Adv. Jagriti Bhattacharya,

... for the petitioner.

Adv. Sabir Ahmed,
Adv. Tasnim Ahmed,
Adv. Dhiman Banerjee,
Adv. Quazi Ezar Ahmed,

...for the defacto complainant.

Adv. Suman De,
Adv. Dipankar Mahata,

... for the State.

Heard learned counsels for the parties.

The petitioner was granted interim bail by an order dated 17th February, 2025 subject to the following conditions:

- 1) The petitioner shall appear before the learned trial Court on every date of hearing;
- 2) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever;
- 3) He shall not commit any cognizable offence in any manner whatsoever;
- 4) He shall not leave the jurisdiction of Nager Bazar Police Station until further orders except for the purpose of attending the Court proceedings;

- 5) He shall appear before the Officer-in-charge/Inspector-in-charge of Nager Bazar Police Station on every alternate day until further orders; and
- 6) He shall through his learned advocate communicate his current local address at Nager Bazar to the learned trial Court, Ekbalpore Police Station and Nager Bazar Police Station;

Learned counsel for the petitioner submits that he is not residing within the jurisdiction of Nager Bazar Police Station and has therefore not furnished his address at Nager Bazar as directed. Learned counsel submits that he was not provided with an accommodation under the jurisdiction of Nager Bazar Police Station by any one for which he was unable to comply with the order of the Court.

Learned counsel for the State submits that the petitioner has failed to comply with the conditions imposed upon him without justifiable cause.

Learned counsel for the defacto complainant submits that the petitioner is residing within Ekbalpore Police Station and has been threatening/intimidating the witnesses there.

The petitioner was granted bail on 17th February, 2025 and till it was found that he has not complied with two of the conditions imposed upon him by this Court, the petitioner did not care to file an application before this Court seeking modification of the order on the ground that he was not able to reside within the jurisdiction of Nager Bazar Police Station. The conduct of the petitioner amounts to deliberate violation of the order of this Court and the petitioner

does not deserve to continue with the liberty granted to him on such ground.

In view of the above, the interim bail granted to the petitioner vide order dated 17th February, 2025 is cancelled. The petitioner is directed to surrender before the learned trial Court by tomorrow, i.e. 9th April, 2025.

The application for bail is disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)