

17.06.2025
Item No.06-07
Ct.No.34
rc.
Allowed

C.R.M. (DB) 458 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Samserganj Police Station Case No. 149 of 2021 dated 15.06.2021.

And

In Re : **(1) Sabiruddin Sk. @ Sabir**
 (2) Liftan Sk @ Rahul Sk
... Petitioners

And

CRR No. 3324 of 2022
Sabiruddin Sk. @ Sabir & Anr.
Versus
The State of West Bengal & Ors.

Mr. Moyukh Mukherjee
Mr. Pritam Roy
Mr. Anisur Rahaman
Mr. Triparna Roy
Mr. Samrat Mandal ... for the Petitioners

Mr. Madhusudan Sur
Mrs. Trina Mitra

... for the State
[in CRM (DB) 458 of 2024]

Mr. Rudradipta Nandy ... for the State
[in CRR 3324 of 2022]

In Re : C.R.M. (DB) 458 of 2024

Heard learned counsels for the parties.

The petitioners were arrested on June 14, 2021 and proceedings was initiated under Section 489B/489C of the Indian Penal Code. Charge sheet not being filed within the statutory period of time, they were entitled to statutory bail on September 13, 2021. On September 10, 2021, the

Investigating Officer prayed for extension of time for completion of investigation. Strangely, the said prayer was allowed by the learned Court, extending the time till October 10, 2021. The petitioners sought statutory bail by application filed on September 14, 2021 which was turned down by the learned Court on the ground that the prayer of the Investigating Officer for extension of the period of investigation was allowed. In the meantime, the Investigating Officer filed an application before the learned Court on September 13, 2021 seeking to add Sections 15(1)(iii)(a)/16 of the Unlawful Activities (Prevention) Act which was allowed by the Court. The petitioners assailed the orders dated September 10, 2021 and September 16, 2021 passed by the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad before the learned Additional Sessions Judge, 1st Fast Track Court, Jangipur, Murshidabad and by a judgment delivered on September 22, 2021, both the orders were set aside, meaning thereby, that the prayer of the Investigating Officer for extension of time for investigation as well as addition provisions under the Unlawful Activities (Prevention) Act were set aside.

The petitioners are in custody since June 14, 2021. Allegations against them are under Sections 489B/489C of the Indian Penal Code. Since charge sheet was not submitted by the Investigating Officer within the statutory period of time and also since his prayer for extension of the said time was rightly rejected by the learned Sessions Judge, the

obvious consequence which follows is grant of statutory bail in favour of the petitioners.

In view of the above, prayer for bail of the petitioners is allowed.

The petitioners **(1) Sabiruddin Sk. @ Sabir** and **(2) Liftan Sk @ Rahul Sk** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad subject to condition that they shall appear before the learned trial Court on every date of hearing. They shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

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

In Re : CRR No. 3324 of 2022

In view of the order passed in CRM(DB) 458 of 2024, CRR No. 3324 of 2022 is dismissed as infructuous.

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

(Suvra Ghosh, J.)