

17.
04-03-2025
(ct. no.29)
pg/RUP
(allowed)

CRM (DB) 643 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 Noapara Police Station Case No.193 of 2023 dated 03-08-2023 under Sections 326/307/201/120B/34 of the Indian Penal Code read with Sections 25(1-B)(a)/27/35 of the Arms Act.

- A n d -

In the matter of : Akash Thakur

.... Petitioner

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... For the Petitioner

Ms. Sukanya Bhattacharya
Ms. Sana Naaz

... For the State

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 8, 2024 passed by a Coordinate Bench in CRM (DB) 3562 of 2024. He says that he is in custody for 575 days. There is no possibility of early conclusion of the trial. The offence, even if established against him, would not attract mandatory life imprisonment.

2. We have seen the materials in the case diary. It cannot be said that there is absolutely no incriminating materials against the petitioner. However, we find that only four out of 27 witnesses have been examined by the prosecution. The petitioner is in custody for more than 1 year six months. Early conclusion of the trial is a far cry.

3. We also see that co-accused persons have been granted bail. On an overall consideration of the facts and circumstances of the case and the materials on record, we are of the view that further custodial detention of the petitioner is not necessary.

4. Accordingly, we direct that the petitioner, namely, **Akash Thakur**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 3rd Court, Barrackpore, 24-Parganas (North). 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. The petitioner shall remain within the district of North 24-Parganas but shall not enter the territorial jurisdiction of Noapara Police Station except for the purpose of attending the Court proceedings. The petitioner shall, through his learned advocate, inform the learned trial Court, Noapara Police Station and the jurisdictional Police Station under whose jurisdiction he shall be residing while on bail and he shall appear before the Officer-in-Charge/Inspector-in-Charge of the said jurisdictional Police Station once in every week, until further orders.

5. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)