

25
01.05.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 845 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Dankuni P.S. Case No. 465 of 2016 dated 06.12.2016 under Sections 300/364/302/201/34 of the IPC.

And

In Re : **Sk. Tajmuddin @ Tabu** ... Petitioner.

Mr. Arunava Ganguly ... for the Petitioner.

Mr. Anand Keshari
Ms. Eshita Dutta ... for the State.

Heard learned counsels for the parties.

Bail prayer of the petitioner was rejected by this Court on earlier occasions, the last rejection being on 7th May, 2024.

The petitioner is in custody for about 8 years. It appears that on 7th May, 2024, the prosecution assured the Court that trial would be concluded within six months from the next fixed for recording evidence subject to cooperation by defence and systemic delays. Two witnesses were left to be examined as on that date. Despite passage of about a year, there has been no further progress in trial. The two witnesses are still remaining to be examined. No non cooperation of the defence or systemic delay impeding the trial is reported.

Learned counsel for the State opposes the prayer.

Considering the period of incarceration of the petitioner and the fact that there has been no further

progress in trial after the bail prayer of the petitioner was rejected earlier, this Court is inclined to hold that petitioner is entitled to bail solely on the touchstone of the Article 21 of the Constitution of India.

Accordingly, prayer for bail is allowed.

The petitioner namely **Sk. Tajmuddin @ Tabu** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that he shall remain outside the jurisdiction of Dankuni P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)