

May 06, 2025
25 ARDR
Allowed

CRM (DB) 876 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Duttapukur Police Station Case No. **664** of **2018** dated
01/08/2018 under Section **302** of the Indian Penal Code and
Sections **25/27** of the Arms Act.

And

In Re : Nur Muhammad

... Petitioner.

Adv. Anita Kaunda,
Adv. Anubrata Dutta

... for the petitioner.

Adv. Avishek Sinha,
Adv. Sanjida Sultana,

... for the State.

The petitioner is in custody for more than six years and prays
for bail.

Learned counsel for the State opposes the prayer and submits
that examination of the Investigating officer who is the last witness
is in progress.

It appears that the bail prayer of the petitioner was turned
down by this Court earlier on merits. It is a fact that the witnesses
have implicated the petitioner in the alleged offence. On merits, the
petitioner does not deserve a favourable order.

However, since there has been no progress in trial of the case
for a considerable period of time and examination of the
Investigating officer is going on since 2023, there is remote chance
of trial being concluded in near future. Despite the fact that the
merits of the case are not in favour of the petitioner, the petitioner is
entitled to bail solely on the touchstone of Article 21 of the
Constitution of India in view of his prolonged incarceration.

Accordingly, the prayer for bail is allowed.

The petitioner, namely Nur Muhammad 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 Chief Judicial Magistrate, Barasat, subject to condition that he shall appear before the learned trial Court on every date of hearing. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without any 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 disposed of.

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.)