

29. 27.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 932 of 2025

In Re: - An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, arising out of **Hirapur** Police
Station Case No. **316/2021** dated **25.10.2021** under Sections
186/332/353/120B of the Indian Penal Code, 1860 read with
Sections **25(1a)/25(b)/26/27/28/35** of the Arms Act and adding
Sections **25(1a)/1B(a)(c)/6/7(1)/8/26/27(1)/29(a)(b)/35** of the
Arms Act.

And

In the matter of: - **MOHAMMAD TANBIR @ MD. TANBIR**

...petitioner.

Mr. Sk. Salim

...for the petitioner.

Mr. Saryati Dutta

Mr. Prakash Mishra

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated March 5, 2025,
passed in CRM (DB) 4345 of 2024, whereby a co-ordinate Bench
enlarged on bail a co-accused person by the name of Md. Selim @
Salim @ Mdd. Md. Selim, primarily on the ground of delay in
progress of the trial and prolonged detention of the petitioner in
judicial custody. In that case, the accused person had been in
custody for about three years and four months and only one out
of 13 prosecution witnesses had been examined. The petitioner
herein says that he stands on the same footing as the said Md.
Selim. He is in custody for more than three years and five
months. Status of the trial is still the same.
2. Learned Counsel for the State, while opposing the prayer for bail
and saying that this petitioner is the manufacturer of the arms,

in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Md. Selim insofar as delay in progress of trial and the period of detention are concerned.

3. Hence, on the ground of parity, without touching the merits of the case, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **MOHAMMAD TANBIR @ MD. TANBIR**, 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 the learned Chief Judicial Magistrate, Paschim Bardhaman at Asansol, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall furnish his present residential address to the local jurisdictional Police Station as also to the learned Trial Court and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he will be presently residing, once a month, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 932 of 2025 is accordingly disposed of.
7. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)