

19.05.2025

11

jb.

jdt.

Allowed

C.R.M. (M) 57 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with New Alipore Police Station Case No. 138 of 2019 dated 26.06.2019 under Sections 364A/170/382/387/307/34 of the Indian Penal Code and under Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Sambhu Sawai

Ms. Jeenia Rudra

... For the Petitioner.

Mr. Suman De

Asif Dewan

... For the State.

The petitioner is in custody for more than 5 years and prays for bail.

Opposing the prayer, learned counsel for the State submits that the petitioner has been identified in test identification parade and implicated by the witnesses. Offending vehicle was recovered at the instance of the petitioner.

I have considered the material on record. On merits the petitioner does not deserve a favourable order. However, it appears from the report submitted by the State that 11 witnesses have been examined and the State proposes to examine 11 more witnesses. It will take some time for the trial to conclude.

Considering the period of detention of the petitioner, this Court is inclined to allow the prayer of the petitioner solely on the touchstone of Article 21 of the Constitution of India without considering the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sambhu Sawai shall 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, Alipore subject to condition that he shall remain within the jurisdiction of New Alipore police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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.

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.)