

16.05.2025

Item No.DL41
Court No. 34
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (M) 348 of 2025

In Re : *An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Domjur P.S. Case no.123 of 2020 dated 02.03.2020 under
Sections 302 of the Indian Penal Code, 1860.*

-AND-

In Re : **MD. SALIM alias MD SALIM ANSARI**
.....Petitioner

For the Petitioner :

Mr. Sk. Toslim Ali

Ms. Rituparna Bhadra

.....Advocates

For the State :

Mr. Antarikhya Basu

Mr. Abhishek Verma

.....Advocates

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

Learned counsel for the State opposes the prayer.

Bail prayer of the petitioner was turned down by this Court
on 5th October, 2022. Since then there has hardly been any
progress in trial of the case. From 2022 to 2024 no witness turned
up before the Trial Court. Only PW 1 has been examined in part
till date.

In view of the above, this Court is inclined to hold that the
petitioner deserves a favourable order solely on the touchstone of
Article 21 of the Constitution of India without entering into the
merits of the case.

Accordingly, the prayer for bail is **allowed**.

The petitioner be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of which must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah, subject to condition that he shall remain outside the jurisdiction of Domjur police station and shall appear before the learned Trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the above conditions 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 accordingly disposed of.

Case diary be returned.

All parties shall act on the basis of 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 expeditiously after complying with all requisite formalities.

(Suvra Ghosh, J.)