

30.05.2025
Court No.06
Item No.07
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 553 of 2025

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 13.05.2025 in connection with Nakasipara Police Station Case No. 221 of 2022 dated 29.03.2022 under Sections 341/325/326/307/302/34 of the Indian Penal Code;

And

In the matter of :**Jasimuddin Sk. @ Sekh.**

...Petitioner.

Ms. Karabi Roy.

...For the Petitioner.

**Mr. Pravash Bhattacharya,
Mr. Prakash Mishra.**

...For the State.

1. This Court has heard learned Advocate for the petitioner and the learned Advocate for the State at length.
2. This Court has also considered the entire materials including the materials as available in the case diary. It appears to this Court that the present accused petitioner is languishing in judicial custody for more than two years three months. It further reveals that the charge was framed in the month of September 2023 and as on this day out of 29 charge-sheeted witnesses, 8 witnesses have been examined.
3. This Court has occasioned to go through the evidence of the witnesses recorded so far.
4. It appears to this Court that the incident occurred on account of free fight arising out of a village dispute.

5. Admittedly, there were sufficient incriminating materials as against the present accused petitioner. However, considering the fact that the petitioner is languishing in judicial custody for a considerable length of time and also considering the fact that there is a bleak possibility of the conclusion of the trial in near future and also keeping in mind that on behalf of the State, no case has been made out that if the present accused petitioner is enlarged on bail, he may free from trial and tamper with the evidence, this Court is inclined to allow the prayer of the petitioner.
6. Accordingly, it is ordered that the petitioner, namely, **Jasimuddin Sk. @ Sekh**, be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) each with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnagar and also on condition that the present accused petitioner shall appear before the learned Trial Court on each and every date of substantive hearing unless his personal appearance is exempted by the learned Trial Court.
7. It is made clear that in the event the present accused petitioner fails to appear before the learned Trial Court on a single day of substantive hearing, the learned Trial Court is at liberty to issue non-bailable warrant of arrest against the present accused petitioner.
8. With the aforementioned observations, the instant bail application is disposed of.

(Partha Sarathi Sen, J.)

