

18.07.2025

Item No.23

Ct.No.34

rc.

Allowed

C.R.M. (M) 800 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Joynagar Police Station Case No. 1203 of 2018 dated 13.12.2018.

And

In Re : **Firoz Gazi @ Feroz Gazi**

... Petitioner

Mr. Joy Chakraborty

Mr. Sandip Dinda

... for the Petitioner

Mr. Suman De

Mrs. Trina Mitra

... For the State

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner was initially granted bail by this Court which was cancelled subsequently on November 18, 2020. The petitioner carried the order in appeal before the Hon'ble Supreme Court and by an order dated March 15, 2023, the Hon'ble Court turned down the prayer of the petitioner with a direction that trial should proceed expeditiously in accordance with law and if the same was not completed within a period of one year from date, the petitioner would have the liberty to file an application seeking bail before the learned trial Court which would be considered by the learned trial Court, at that stage, without being influenced by any of

the observations made by the High Court in rejecting the bail.

Despite such direction, only four out of thirty five witnesses proposed to be examined have been examined till date. The delay in trial cannot be wholly attributed to the petitioner. All the other co-accused have been released on bail.

Learned counsel for the State points out that the witnesses have been threatened by the co-accused for which FIRs have been lodged. Surprisingly, the State has not taken any steps for cancellation of bail of the co-accused who allegedly threatened the witnesses.

The petitioner is in custody for more than three years. Trial has not been concluded despite direction of the Hon'ble Supreme Court as well as this Court. There is also remote possibility of trial being concluded in near future.

In view of the above, this Court is inclined to release the petitioner on bail, without going into the merits of the case.

Accordingly prayer for bail is allowed.

The petitioners **Firoz Gazi @ Feroz Gazi** 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 Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas subject to condition that he 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 appear before the learned trial Court on any date 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, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)