

14.08.2025

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jb.

jdt.

Allowed

C.R.M. (M) 873 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 Kaliachak Police Station Case No. 427 of 2023 dated 06.04.2023 under Sections 489B/489C/120B of the Indian Penal Code.

And

In Re : Nasiul Sk @ Nasiul Hossain

Md. Wasim Akram

... For the Petitioner.

S. S. Imam

Mr. S. S. Saha

... For the State

The petitioner is in custody for more than two years and renews his prayer for bail.

Learned counsel for the State opposes the prayer.

In rejecting the bail prayer of the petitioner on 11th June, 2024 this Court directed the learned trial Court to expedite the trial and bring the same to its logical conclusion preferably within a period of one year from the date of communication of the order. This Court is informed that 2 out of 19 witnesses have been examined so far. One of the accused who was granted bail earlier is absconding for which trial cannot proceed.

I have considered the material on record. It is a fact that the allegation against the petitioner is extremely serious in nature. However, the petitioner is in custody for more than 2 years. There is remote chance of trial being concluded in near future.

In view of the above, this Court is inclined to hold that the petitioner may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Nasiul Sk @ Nasiul Hossain 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, Malda subject to condition that he shall remain within the jurisdiction of the Kaliachak Police Station and 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.)

