

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1956 of 2024

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 arising out of Jagaddal P.S. Case No. 481/2023 dated 21.11.2023 u/s. 302/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act and adding Section 120B of the Indian Penal Code.
And

In the matter of: - **The State of West Bengal**
-Versus-
Md. Zeeshan

Mr. Partha Pratim Das
Ms. Baishakhi Chatterjee

...for the petitioner/State.

Mr. Sambhunath De

...for the opposite party.

Dictated by Arijit Banerjee, J.

1. The opposite party is one of the accused persons. He was granted bail by the learned Trial Court on March 11, 2024.
2. The State has applied for cancellation of the bail granted to the opposite party. Learned Advocate representing the State says that although the opposite party is not the prime accused, he played a prominent role in the alleged crime of murder. He was one of the persons who identified the victim to the assailants who had been hired by the kingpin who is still in custody. Photograph of the victim was recovered from this opposite party. In this kind of organized crime, everybody’s role is of equal importance. Further, the opposite party is a political person who has a clout in the concerned

locality. If he is allowed to roam around, there is every possibility of breach of peace in the area.

3. We have not called upon learned Advocate for the opposite party to make submission.
4. We see that the learned Trial Court, being satisfied, granted bail to the opposite party on March 11, 2024, on certain conditions. The opposite party has been enjoying the privilege of bail for the last ten months. It is not the case of the State that he has breached any of the conditions of bail. It is also not the case of the State that after being released on bail, the opposite party has committed any unlawful act or any offence.
5. We must keep in mind that bail is still the rule and jail is the exception. Unless it is absolutely clear that the accused person, if released on bail, shall tamper with evidence or threaten witnesses or will abscond, normally bail is granted. After all, the right to personal liberty is perhaps the most important fundamental right after the right to life. Such liberty is not to be lightly interfered with.
6. Learned Advocate for the State also submitted that the State Elections are approaching in the year 2026. The free presence of the opposite party in the concerned locality will be detrimental to the law and order of the area.
7. We are unable to agree with such submission. This is only a speculation. In the event the opposite party is involved in any unlawful activity, it will be open for the learned Trial Court to

cancel the bail of the opposite party even without any reference to this Court.

8. However, considering the facts and circumstances of the case, we direct the opposite party, namely, Md. Zeeshan, not to enter the jurisdiction of Barrackpore Police Commissionerate without the leave of the learned Trial Court, except for the purpose of attending Court proceedings. Further, the opposite party shall attend the learned Trial Court on each and every date of hearing of the trial.
9. The application being CRM (DB) 1956 of 2024, is accordingly disposed of.
10. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)