

11.09.2025

Item No.25

Ct.No.34

rc.

Allowed

C.R.M. (M) 1221 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 Raiganj Police Station Case No. 14 of 2013 dated 05.01.2013.

And

In Re : **Ismail Ali**

... Petitioner

Mr. Bikash Ranjan Bhattacharjee

Mr. Yday Sankar Chattopadhyay

Ms. Trisha Rakshit

Ms. Rajashree Tah

Ms. Aishwarya Datta

... for the Petitioner

Mr. Rudradipta Nandy

Mr. Parvej Alam

... for the State

Mr. Sourav Chatterjee

Mr. Soumya Nag

...for the defacto complainant

Heard learned counsels for the parties.

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

Learned counsel for the petitioner submits that witness action has been concluded. The case is at the stage of hearing argument. The learned trial Court is lying vacant.

Learned counsels for the State and the defacto complainant oppose the prayer.

Learned counsel for the defacto complainant takes this Court to an order passed by this Court on April 11, 2019 wherein this Court observed that since the Court was deliberately misled by the petitioner, the petitioner would not be entitled to renew his prayer for bail till conclusion of trial. Learned counsel further submits that offence, if proved, shall attract mandatory life imprisonment.

Learned counsel for the State submits that after one of the co-accused was released on bail by this Court, he murdered one of the witnesses of the case.

After the said order was passed more than six years have passed and trial is yet to be concluded. However, since witness action has been concluded, scope of intimidating/influencing witnesses can be ruled out. Without going into the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, this Court is inclined to release the petitioner on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner **Ismail Ali**, 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, Uttar Dinajpur at Raiganj subject to condition that he shall remain within the jurisdiction of Karandighi Police Station except for the purpose of appearing before the learned trial Court on every date of hearing 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. He shall provide his mobile phone number before the learned trial Court, the Investigating Officer and the Officer in Charge of the Police Station under whose jurisdiction he shall presently reside and shall not change the same without prior intimation to them.

In the event the petitioner fails to adhere to any of the conditions mentioned above 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.

However, the learned Court who is in charge of the learned trial Court is directed to dispose of the matter as expeditiously as the business of the Court would permit, without granting any unnecessary adjournment to either of the parties.

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.)