

31.
28-10-2025
(ct. no.446)
debajyoti
(allowed)

CRM (M) 1720 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Domkal Police Station Case No.720 of 2018 dated 07-10-2018 under Sections 452/325/326/307/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Sabir Ahammed

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,
Ms. Ankusha Ghosh

... For the Petitioner.

Mr. Subhomay Bhattacharyya,
Mr. Dipankar Mahata

... For the State.

1. The present petitioner is in custody for seven years. Earlier, the bail petition was rejected on 07th March, 2025 by a Division Bench of this Court whereby direction was given to the learned trial Court to expedite the trial to the fullest extent and conclude the same on an early date without granting unnecessary adjournment, if necessary by preponing the next date fixed.

2. Learned advocate, appearing for the petitioner, filed order sheet of the learned trial Court, which *prima facie* shows that no efforts has been made by the learned trial Court to expedite the trial. That apart, on the dates so fixed, the witnesses were not available resulting no further progress of the trial since after November, 2024.

3. In the instant case, charges leveled against the petitioner are found to be serious as the victim succumbed to

such injuries inflicted upon . On repetitive occasions, the prayer of the petitioner for bail has been turned down. But the prolong delay in the trial cannot be overlooked .

4. If a trial is not proceeding for reasons not associated with the accused ,then the court may exercise their power to grant bail unless there is good reason as observed by the Hon'ble Apex court. It is further observed that before being pronounced guilty of an offence jail or detention should not become a punishment.

5. Nothing can be found on the part of the petitioner which causes delay in progressing the trial before the learned trial Court.

6. Considering the above facts and circumstances of the case and the period of detention covered and prolong delay in trial this Court is of the view that despite having some incriminating materials against the present petitioner, the prayer for bail is to be allowed on the following conditions.

- a) The petitioner, namely, **Sabir Ahammed**, shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Murshidabad at Berhampore.
- b) The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever.
- c) The petitioner shall appear before the Officer-in-Charge/Inspector-in-Charge of the local police station once in a week, until further orders.
- d) The petitioner shall not enter the jurisdiction of Domkal Police Station except for the purpose of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the local police station. The petitioner,

through his learned advocate, inform his current local address where he shall be residing while on bail and his mobile phone number, to the learned trial Court, the local police station and the jurisdictional police station where he shall be residing.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. It is pertinent to mention herein that on perusal of the trial Court's order, this Court found that no schedule is fixed for taking evidence in this case and the only single date is fixed on which date due to absence of witness, the trial could not be proceeded. Learned trial Court is directed to follow the usual practice of either fixing a schedule for taking evidence or to conduct the trial on day to day hearing for examination of witnesses and conclude the trial at the earliest without granting any unnecessary adjournment to either of the parties. The order should be followed strictly considering the long pendency of the matter.

7 The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]