

02.01.2025
Item no. 07.
Court No.29.
AB
(Allowed)

CRM (DB) 3164 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No.320 of 2022 Dated 17.04.2022 under Section 498A/326/307/302/34 of the Indian Penal Code

And

In the matter of : Halim Sk. @ Md. Halim Sk.

.....Petitioner.

Mr. Tapodip Guptafor the Petitioner.

Mr. Arindam Sen,
Ms. Baishakhi Chatterjee.....for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State in Court today, be kept with the records.
2. We find that the prosecution intends to examine 16 witnesses. Not a single witness has been examined as yet. Charge was framed on February 2, 2024, as recorded by us in our order dated December 17, 2024. The petitioner is in custody for about 2 years and 6 months. Nobody can say with any degree of certainty as to when the witness action will begin or the trial shall conclude.
3. In view of the aforesaid, without touching the merits of the case and solely on the ground of zero progress in trial, coupled with prolonged detention of the petitioner, we feel constrained to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely **HALIM SK. @ MD. HALIM SK.** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and on further condition that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

