

38.
22-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3278 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Berhampore Police Station Case No. 708 of 2023** dated **01.06.2023** under **Sections 341/325/307/302/34** of the Indian Penal Code.

And

In the matter of : Saberi @ Sabari Bed @ Sabori Bed.
.....Petitioner.

Mr. Sabir Ahmed,
Mr. Ali Ahsan Alamgi,
Mr. Rabia Khatoon,
Ms. Soma Mal,
Ms. June Modak,for the Petitioner.

Mr. Bibhaswan Bhattacharyya,
Ms. Ankita Paul,for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. It appears from the report that the prosecution proposes to examine 10 more witnesses.
3. Learned advocate for the State opposes the prayer for bail.
4. The petitioner is already in custody for 1 year and 7 months.
All the 4 eye-witnesses, examined so far, have turned hostile.
This definitely has made a significant dent in the prosecution case. Therefore, on merits as well as seeing that an early conclusion of the trial is highly unlikely and considering the period of detention of the petitioner, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Saberi @ Sabari Bed @ Sabori Bed** 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, Berhampore, Murshidabad subject to the conditions that the petitioner shall not leave the jurisdiction of concerned Police Station until further orders.

6. 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 in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)