

26.02.2025

DL-35

Court No.26

(*Bail allowed*)

(AD)

CRM (DB) 3587 of 2024

In re : An application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973; corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **CBI Case No.RC-0562021S0027** dated **28.08.2021** in Crime No-337 of 2021 of **Jagaddal** Police Station Case No.**337** of **2021** dated **02.05.2021** under Sections **302/34** of the Indian Penal Code & **25/27** of the Arms Act, pending before the Learned Additional District and Sessions Judge, 2nd Court at Barrackpore which is numbered as SC-33 of 2024, corresponding to GR No.3726 of 2021.

-And-

In the matter of : Rahul Paswan

... .. Petitioner

Mr. Arindam Jana, Advocate

Mr. Subhajit Chowdhury, Advocate

...for the petitioner

Mr. Amajit De, Special PP, CBI

...for the CBI

1. Petitioner renews the prayer for bail.
2. Learned Advocate appearing for the petitioner submits that, the petitioner is in custody in excess of three years three months without the charges being framed as on date. He submits that, there is hardly any possibility of the trial ending any time in the near future.
3. Learned Advocate appearing for the Central Bureau of Investigation (CBI) submits that, the charges could not be framed since CBI approached the Hon'ble Supreme Court for transfer of the case to another State. Such transfer application was disposed of in the month of September, 2024. Now the date is fixed for the purpose of framing of charges.

4. Learned Advocate appearing for the CBI also draws the attention of the Court to the earlier order of rejection dated March 22, 2022 in CRM (DB) 711 of 2022.
5. Earlier order of rejection as against the petitioner records that, petitioner was part of an assembly where a person was murdered.
6. Apparently, no active role as such can be attributed to the petitioner.
7. Considering such aspects and the period of detention and the fact that, CBI intends to examine 34 prosecution witnesses at the trial, we deem it appropriate to grant bail to the petitioner.
8. Accordingly, we direct that the petitioner, namely, **Rahul Paswan**, shall be released on bail upon furnishing a 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas**, subject to conditions that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.

10. Accordingly, the prayer for bail of the petitioner is **allowed.**

11. **CRM (DB) 3587 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)