

28. 19.02.2025.
Court
No.26 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4101 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kashipur** Police Station Case No.**301/2021** dated **27.06.2021** under Sections **302/34** of the IPC, 1860.

And

In the matter of: - **Neptauddin Kha @ Neptauddin Khan @ Nettauddin Kha.**

...petitioner.

Mr. Kallol Mondal, Sr. Adv.,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbar Laskar,
Mr. Safiqul Islam

...for the petitioner.

Ms. Amrita Gour,
Mr. Kousik Biswas

...for the State.

1. Petitioner renews his prayer for bail.
2. Learned senior advocate appearing for the petitioner submits that, the petitioner is in custody for in excess of 3 (three) years and 7 (seven) months. He points out of 36 prosecution witnesses, 17 were examined. So-called eye-witness turned hostile at the trial. He submits that, as on date, there is no finding at the trial implicating the petitioner.
3. Learned advocate appearing for the State draws the attention of the court to the deposition of one prosecution witness, who stated that he saw the petitioner with the offending weapon on the date of the occurrence of the incident.

4. Petitioner is standing trial for murder. Out of 36 prosecution witnesses, 17 were examined. Eye-witness produced before the prosecution turned hostile.
5. Petitioner is languishing in jail for about 4 years.
6. Strictly on the principles of Article 21 of the Constitution of India, we grant bail to the petitioner.
7. Accordingly, we direct that the petitioner, namely, **Neptauddin Kha @ Neptauddin Khan @ Nettauddin Kha.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned A.C.J.M., *Baruipur, South 24 Parganas*. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. 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.
9. The application for bail being CRM (DB) 4101 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)