

26.02.2025
Item No.95
Court No.26
S.D.
(Bail granted)

CRM (DB) 4414 of 2024

In re: An Application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pragati Maidan** Police Station Case No. **323** of **2018** dated **31.12.2018** under Section **302/201** of the Indian Penal Code.

-And-

In the matter of: Md. Pervez Khan
@ Md. Parvez Khan @ Md. Parwez Khan
... .. Petitioner

Mr. Ashok Das
Mr. Toslim Ali
... .. For the Petitioner
Mr. Debasish Roy, Ld. P.P.,
Mr. Anand Keshari
Mr. Debanshu Ghorai
...For the State
Mr. S. Khan
Md. Amin
...For the defacto complainant

Petitioner prays for bail on the ground of delay of trial.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 6 years and 2 months. The Trial Court is presently lying vacant. Therefore, there is anyo hardly any possibility of the trial ending any time in the near future.

Learned Public Prosecutor appearing for the State submits that, out of 25 prosecution witnesses, only one remains to be examined.

Considering the period of detention of the petitioner being 6 years and 2 months and considering the fact that the trial is unlikely to end any time in the near future since the Court is lying vacant, purely on the principles of Article 21 of the Constitution of India, we grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Alipore, South 24-Parganas** subject to the condition 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.

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.

The prayer for bail of the petitioner is **allowed**.

C.R.M.(DB) 4414 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)