

54. 27.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 114 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Cossipore** Police Station Case **No.08/2014** dated **04.01.2014** under Sections **498A/307** of the Indian Penal Code adding Section **302** of the Indian Penal Code. Charge-sheet submitted under Sections **498A/302** of the Indian Penal Code.

And

In the matter of: - **MD. NAYEEM @ MD BABLU**

...petitioner.

Mr. Apalak Basu
Mr. Nazir Ahmed

...for the petitioner.

Mr. Anand Keshari
Ms. Sudeshna Das

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find that the petitioner is in custody for more than 11 years.
3. Learned State Advocate says that after examination under Section 313 of the Criminal Procedure Code, 1973, the petitioner has filed an application for recall of certain witnesses. Therefore, the petitioner is causing the delay in conclusion of trial.
4. We do not agree fully. We see that 15 witnesses have been examined by the prosecution. It took the prosecution more than nine years to examine 15 witnesses.

5. 11 years is far too long a period of time to keep an accused person in custody without the trial being concluded.
6. Without touching the merits of the case and solely on the ground of very long detention of the petitioner, we are inclined to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **MD NAYEEM @ MD BABLU** 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 the learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas, subject to condition that 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 Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the municipal limits of the city of Kolkata but shall not enter the territorial jurisdiction of Cossipore Police Station. He shall furnish his local address, where he will be presently residing, to the Officer-in-Charge/Inspector-in-Charge of Cossipore Police Station as also to the learned Trial Court and shall meet the Officer-in-Charge/Inspector-in-Charge of Entally Police Station (jurisdiction of the learned Trial Court) once in a week, until further orders.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 114 of 2025 is accordingly disposed of.
10. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)