

28.
04-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 87 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Special Task Force Case No.13 of 2023 dated 30-03-2023 under Section 120B of the Indian Penal Code and under Sections 4/5 of the Explosive Substances Act.

- A n d -

In the matter of : Saidul Alam

.... Petitioner.

Mr. Mazhar Hossain Chowdhury,
Mr. Jakir Hussain

... For the Petitioner.

Mr. Rudradipta Nandy, learned APP,
Mr. Dattatreya Dutta

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected by a coordinate Bench on June 13, 2024 in CRM (DB) 1502 of 2024. While rejecting his prayer, noting that the petitioner was already in custody for about 1 year 2 months, learned trial Court was directed to expedite the trial and conclude the same as early as possible and definitely within six months from the next date fixed for recording of evidence. Further, the petitioner was granted liberty to renew his prayer for bail if the trial did not conclude within the time period indicated above.

2. The petitioner now says that only 2 out of 7 charge sheet named witnesses have been examined by the prosecution till date. There is no possibility of an early

conclusion of the trial. The order of this Court expediting the trial has had no effect.

3. Learned State advocate, in his usual fairness, hands up a bunch of orders of the learned trial Court and leaves the matter to the discretion of this Court.

4. We find that when the petitioner's prayer was last rejected, the State had told the Court that PW 2 was in the process of being examined. After that order was passed, it appears that only PW 2's examination has been completed and no further progress has been made in the trial.

5. We see from the order sheet that the trial is proceeding at a tardy pace and there is very little possibility of the trial concluding on an early date.

6. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

7. Accordingly, we direct that the petitioner, namely, **Saidul Alam**, 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 Chief Metropolitan Magistrate, Calcutta. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the territorial limits of Kolkata Municipal Corporation and shall appear before the Officer-in-Charge/Inspector-in-Charge of S.T.F. Police Station once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, S.T.F Police

Station and the jurisdictional police station where he shall be residing while on bail, his current local address.

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 is, thus, **allowed**.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)