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17-12-2024
(ct. no. 29)
KOLE
Allowed

CRM (DB) 3051 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station** Case No. **176 of 2024** dated **06.02.2024** under Sections **489B/489C/120B** of the Indian Penal Code.

- A n d -

In the matter of : Samim Aktar

.... Petitioner.

Mr. Tapan Dutta Gupta,
Mr. Parvez Anam,
Ms. Puspa Rani Jaiswara,

... For the Petitioner.

Mr. Saryati Datta,
Mr. Sachit Takuldar,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner is in custody for more than ten months. Some other accused persons were enlarged on bail by the learned Trial Court. One of the accused is still absconding and there is no chance of commencement of trial very soon. There are 18 witnesses to be examined by the prosecution. There is no chance of an early conclusion of the trial. He prays for bail.

2. Learned Advocate for the State submits that the reason for the delay cannot be attributed to the prosecution since some of the accused persons were absconding and as a result of which charge could not be framed. However, it is expected that prosecution would soon commence the trial after taking appropriate steps against the absconding accused persons.

3. We have considered the materials on record. We find that there are 18 charge sheet named witnesses. Some of the accused

persons are still absconding and there is no chance of an early conclusion of the trial. As the investigation is complete, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Samim Aktar**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge of the concerned police station every alternative day until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)