

14.12.2020
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Sdas
Partly Allowed

CRM 2675 of 2020
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh Police Station Case No. 791 of 2015 dated 25.10.2015 under Sections 302/34 of the Indian Penal Code.

In Re : Prakash Jaiswara @ Prakash Jaiswal & Anr. petitioners

Mr. Subhajit Chowdhury
.....for the petitioners

Mr. Binay Kumar Panda
Mr. Subham Kanti Bhakat
....for the State

It is submitted by the learned Counsel appearing for the petitioners that they are in custody for 5 years and 3 months. There is slow progress in the trial of the case.

Learned Counsel appearing for the State opposes the prayer for bail and submits that delay in the matter is due to pandemic conditions.

Statements of the witnesses disclose prima facie role of petitioner no. 1 in firing at the victim. In view of the principal role played by him, we are not inclined in granting bail to the petitioner no. 1.

Accordingly, application for bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, in the light of extent of complicity of the petitioner no. 2 in the alleged crime and the protracted period of detention already suffered by him, we are inclined in granting bail to the petitioner no. 2.

Accordingly we direct that the petitioner no. 2 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, Barrackpore, and petitioner no. 2 shall appear before the 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.

In the event the petitioner no. 2 fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed in so far as petitioner no. 2 is concerned.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)