

24-09-2020
Subha
Item no.7
Bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M 6263 of 2020
Faruk Ali Sardar & anr.
-vs-
The State of West Bengal
With
CRAN 1 of 2020(Old No. CRAN 4776 of 2020)
(Via video conference)

In Re: An application for bail under Section 439 Cr.P.C in connection with New Town P.S. Case No.352 of 2018 dated August 17, 2018 under sections 395/120B/412 of the Indian Penal Code.

Mr. Mrityunjoy Chatterjee ...for the petitioners.

Mr. Saibal Bapuli, Ld. A. P. P
Ms. Sayanti Santra ... for the State.

The advocate-on-record for the petitioners undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN No.1 of 2020(Old CRAN No. 4776 of 2020) is disposed of.

The learned advocate appearing for the petitioners submits that the petitioners are in custody for 758 days and out of 12 accused persons, 7 accused persons have been granted bail.

The learned advocate for the petitioners further adds that although the earlier bail application has been rejected by a Co-ordinate Bench of this Court but subsequently number of accused persons have been granted bail on change of circumstances because of the long detention in connection with the instant case.

Mr. Bapuli, learned A. P. P appearing for the State draws the attention of this court to the complicity of the present petitioners.

However, he is unable to satisfy this Court regarding the overwhelming materials which are available to distinguish the present petitioners from the other accused persons who are already released on bail.

Having regard to the factum of the long detention of the present petitioners as well as the situational parity of the present petitioners along with the other accused persons who have been granted bail and the trial is not likely to be completed within a reasonable period of time, we are inclined to extend the same privilege to the present petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24 Parganas at Barasat, subject to the condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders and shall not tamper with any evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail, being CRM No. 6263 of 2020, is disposed of.

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

[Tirthankar Ghosh, J]

[Sahidullah Munshi, J]

