

21.09.2020
27
b.das

CRM 6912 of 2020
IA No. CRAN/1/2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bishnupur P.S. Case No.110 of 2017 dated 16.01.2017 under Sections 279/338/304 of the Indian Penal Code.

And

In the matter of: Firoj Ali Molla @ Kalo Molla

....Petitioner.

Mr. Ansuman Bera

...for the Petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being IA No. CRAN/1/2020 is disposed of.

The petitioner is in custody for more than three years and that there is little progress in the trial.

Learned lawyer for the State opposes the prayer for bail and submits that six persons were injured and two of them were died.

Having considered the materials on record and bearing in mind the facts and circumstances of the case and in the light of the submission that the incident occurred due to alleged rash and negligent driving and in view of the protracted period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned A.C.J.M., Alipore, South 24 Parganas subject to condition that the petitioner 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 fail 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.

CRM 6912 of 2020 is disposed of.

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

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)