

**19.11.2020**

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**CRM 8660 of 2020**

**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with SC 67 of 2013 corresponding to (Hastings P.S.) DD/ADR case No. 28 dated 04.02.2013 under Sections 395/397/120B of the Indian Penal Code and Sections 25 (1B(a)), 27 of the Arms Act.

And

In the matter of: Pintu Shaw

....Petitioner.

Mr. Sanjit Singh

...for the Petitioner.

Mr. N. Ahmed, APP

Ms. A. Gaur

...for the State.

The petitioner is in custody for a protracted period of time, that is, 7 and half years. It is submitted that there is no possibility of the trial concluding in the near future.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner has been identified in course of T.I. parade and his prayer for bail was rejected in August, 2020.

Having considered the materials on record we note that the petitioner has undergone a considerable period of incarceration pending trial. Striking a balance between the gravity of the offence and the protracted under-trial detention and as there has been no progress in the matter since the last rejection of bail by this Court and there is little possibility of the trial concluding promptly in the prevailing conditions, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty thousand only) with five sureties of rupees ten thousand each, two of whom must be local, to the satisfaction of the learned Judge, Fast Track 2<sup>nd</sup> Court, City Sessions Court, Calcutta 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 and on further condition that the petitioner shall remain within the jurisdiction of Cossipore P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

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.

We request the Trial Court to conclude the trial at an early date without granting unnecessary adjournments preferably within three months from the next date fixed before the trial court.

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

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**