

20.11.2020

Item No. 26

Sdas

Allowed

C.R.M. 8906 of 2020  
with  
CRAN 1 of 2020  
(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sinthi/DD Police Station Case No. 183 of 2013 dated 05.11.2013 under Sections 120B/395/397/412/75 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Kazi Golam Rasul ..... petitioner

Mr. Pawan Kumar Gupta

Mr. Ayan Chakraborty

.....for the petitioner

Mr. Saibal Bapuli, learned A.P.P.

Ms. Sayanti Santra

....for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, application being CRAN 1 of 2020 is disposed of.

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for about seven years. It is also submitted that there is little possibility of trial concluding in the near future.

Learned Counsel for the State opposes the prayer for bail and submits that petitioner has attributed to the delay.

Having considered the materials on record and keeping in mind the facts and circumstances of the case and the protracted period of detention suffered by the petitioner i.e. about seven years and as the offences do not call for mandatory life imprisonment, we are of the opinion that petitioner may be granted bail, however, subject to strict conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah, subject to the conditions that 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, while on bail, shall not leave the jurisdiction of Sinthi Police Station until further orders except for the purpose of investigation and/or for attending Court proceedings and shall report to the Officer-in-Charge of the concerned police station once in a week until further orders.

In the event the petitioner 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.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**