

15.12.2020
tkm
sl no. 69

**C.R.M. 10425 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagaddal P.S. Case No. 210 of 2018 dated 24.2.2018 under Sections 302/34 of the Indian Penal Code
And

Allowed

In Re : Babu Dalui & Anr. petitioners

Mr. S Das Mahapatra

..... for the petitioners

Ms. Z N Khan

Mr. MFA Begg

..... for the State

Petitioners renew their prayer for bail and submits that there is no progress of trial since the last rejection of bail by this court.

Learned lawyer for the State opposes the prayer for bail and submits that date has been fixed for recording arguments.

We are informed that the court is lying vacant. Hence, possibility of conclusion of trial in the near future is in the realm of surmise and conjecture. Interim bail of co-accuseds have been confirmed.

Under such circumstances, we are inclined to enlarge the petitioners on bail.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Barrackpore on condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 10425 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)