

22.12.2020
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Sdas
allowed

**CRM 10628 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur GRPS Police Station Case No. 91 of 2016 dated 17.05.2016 under Sections 395/397 of the Indian Penal Code adding Section 412 of the Indian Penal Code and Sections 25/27 of the Arms Act and subsequently charge-sheet was submitted under Sections 395/397/412/120B of the Indian Penal Code and under Sections 25(i)(a)/27/35 of the Arms Act.

And

In Re : Prasanta Jana @ Lambu @ Chuya petitioner

Mr. Ayan Bhattacharya
Mr. Anand Keshari
Mr. Sekhar Mukherjee

.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for more than 4 years. Co-accused persons are on bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner is the mastermind of the dacoity. Although allegations are grave, we have considered the prayer for bail of the petitioner in the light of protracted under-trial detention resulting in infraction of his fundamental right of speedy trial.

Under such circumstances and as co-accused persons are on bail, we are inclined to extend the same privilege to the petitioner also.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipur, subject to the 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 fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)