

08.02.2021

Item no.20
Court No.28
Avijit Mitra

C.R.M.402 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed 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 and added Section 412 of the Indian Penal Code and Sections 25/27 of the Arms Act subsequently added 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 : Kedar Singh @ Kedar Sing

.... petitioner

Mr. Anand Keshri,
Mr. Sekhar Mukherjee,
Mr. Gaurav Kumar

....for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

..... for the State

Mr. Keshri, learned advocate appearing for the petitioner submits that the petitioner is in custody for 4 years 6 months and similarly placed accused person has been granted bail. Learned advocate further submits that 14 witnesses out of 53 witnesses have been examined till date and there is no scope of the trial being completed in the near future.

Learned advocate appearing for the State opposes the prayer for bail and submits that the present petitioner is differently situated than other accused persons who have been granted bail, as the present petitioner has been identified in the

T.I. parade and offending vehicle was seized from the possession of the petitioner.

We have taken into account the orders passed in CRM 87 of 2021, CRM 12209 of 2019 and CRM 10238 of 2020. On a cumulative assessment of facts and the period of detention of the present petitioner and as there is no scope of the trial being completed in the near future, we are of the opinion that further detention of the petitioner is unwarranted in the facts and circumstances of the present case.

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 Chief Judicial Magistrate, Paschim Medinipur.

The petitioner shall be present before the learned Trial Court on every date so fixed and in case he is absent without any justifiable cause, the learned Trial Court will be at liberty to cancel his bail without any further reference to this Court.

The application for bail being C.R.M. No.402 of 2021 is, accordingly, disposed of.

All parties are directed to act on the server copy of this order.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

