

16.08.2021
Item no.21.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1986 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 19.02.2021 in connection with Hasting Police Station DD/ADR Case No.28 of 2013 Dated 4.2.2013 under Sections 395/397/120B of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act
And

In the matter of : Janak Mali

.....Petitioner.

Mr. Sanjit Singhfor the Petitioner.

Mr. Nguive Ahmed, Ld. APP,
Ms. Amita Gaurfor the State.

The charge is of dacoity. The petitioner submits that several co-accused persons standing on the same footing have been enlarged on bail by this Court. Reference has been made to orders of Coordinate Benches of this Court in support of such submission.

We have considered the facts and circumstances of the case. The State does not dispute that the co-accused persons, who have been granted bail by this Court, are similarly placed as the present petitioner. The petitioner has been in custody for eight years now.

We are told that the trial is coming to an end. Only two witnesses remain to be examined.

Be that as it may, in view of the protracted detention of the petitioner and also since he stands on the same footing as those co-accused persons, who have been enlarged on bail, we are inclined to allow the petitioner's prayer.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.50,000/- with five sureties of Rs.10,000/- each, two of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Kolkata, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

