

27.07.2021
Item no.12.
Court No.32.
AB (s)
(Allowed)

(Via Video Conference)

CRM No. 3519 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.04.2021 in connection with Hasting Police Station Case No.28 of 2013 Dated 4.2.2013 under Sections 120B/395/397 of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Gopal Garai

.....Petitioner.

Mr. Ranadeb Sengupta,
Mr. Ayan Chakraborty for the Petitioner.

Mr. Neguive Ahmed,
Mr. Anowar Hossain,
Ms. Amita Gaur for the State.

The petitioner is in custody since 2013 and renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for a prolonged period of time and co-accused persons similarly circumstanced as the petitioner have been granted bail by a Coordinate Bench of this Court. There has not been much progress in the trial of the case since the earlier rejection of his prayer for bail and further detention of the petitioner is no longer necessary.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner has been identified in T. I. Parade and part of the booty has been recovered from his possession.

We have considered the material on record. The other co-accused, who have been granted bail, are almost similarly circumstanced as the petitioner. The petitioner is in custody since 2013 and there has not been much progress in the trial of the case after the earlier rejection of the petitioner's prayer for bail. Considering the material on record as well as the period of detention suffered by the petitioner, we are inclined to enlarge him on bail, however, on stringent conditions.

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 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 once in a fortnight 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.)