

11.08.2021

CRM 4222 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Birbhum P.S Case No.266 of 2017 dated 16.07.2017 under Section 394/397 of the Indian Penal Code, 1860.

And

In Re: **Rakesh Khan**

.....Petitioner.

For the petitioner: Mr. Sujoy Sarkar
(through V.C)

For the State: Mr. Saibal Bapuli,. A.P.P.,
Mr. Soumik Ganguly.

The petitioner has renewed the prayer for bail in connection with the aforementioned case.

Previously petitioner's prayer for bail were rejected by this Court in CRM No.3904 of 2018 on 18th June, 2018, CRM No.6282 of 2018 on 28th August, 2018, CRM No.7878 of 2018 on 19th September, 2018, CRM No.9899 of 2018 on 15th November,2018, CRM No.2260 of 2019 on 28th February, 2019.

The petitioner has prayed for bail mainly on the ground of prolonged detention during the trial in this case. It is also submitted that out of 22 witnesses till date only 9 witnesses have been examined. There is no chance of early disposal of the case against the petitioner. So he should be released on bail. He is in custody for the last four years.

Learned P.P-in-Charge has raised serious objection against the prayer for bail on the ground that previously

his prayer was rejected and the trial of the case is in progress.

We have considered the submission made by the learned Advocates for the parties. It is not disputed that the petitioner is in custody for the last four years.

Considering the period of detention of the petitioner we are inclined to release him on bail.

The petitioner is enlarged on bail on furnishing bail bonds of ₹ 20,000/- with two sureties of ₹ 10,000/- each, one of whom must be a local surety with further condition that he must be physically present in court on all future dates of hearing before the trial court.

If the petitioner violates any of the above conditions the order of bail shall be cancelled without further reference to this Court.

CRM 4221 of 2021 is thus disposed of.

Bibek Chaudhuri, J.

Rajesh Bindal, C.J (Acting)