

23.11.2021
Serial no.622

Ct. No. 29
Aloke

(Through Video Conference)

CRM 4815 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.07.2021 in connection with Sonarpur Police Station Case No. 1808 of 2017 dated 18.09.2017 under Sections 341/326/307/34 of the Indian Penal Code.

-And-

In the matter of : **Sahid Hossain Sarder**

... ..Petitioner

Mr. Angshuman Chakraborty, Advocate

... .. For the Petitioner

Ms. Zareen N. Khan, Advocate

Ms. Sreeparna Das, Advocate

... .. For the State

The application for bail is taken up for consideration subsequent to the order dated November 9, 2021.

By such order, noticing earlier orders of the High Court directing expeditious disposal of the trial, the police was required to submit a report as to the progress of the trial.

Report as called for by the order dated November 9, 2021 filed in Court be taken on record.

It transpires that subsequent to the order dated November 9, 2021 no witness was examined before the jurisdictional Court. The police justifies the non-examination of the prosecution witnesses on the ground that one of the parent of the witnesses expired. There are seven prosecution witnesses yet to be examined.

The records demonstrate that no witness was examined on behalf of the prosecution since October 20, 2019. Subsequent to the order dated March 23, 2021, no witness was examined by the prosecution, although, the jurisdictional Court was requested to conclude trial preferably within a period of eight months from the date of communication of such order.

Considering the conduct of the prosecution and considering the period of detention of the petitioner and considering the fact that there is hardly any prospect of the trial being concluded expeditiously, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be

local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24 Parganas, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM 4815 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)