

C. R. M. 5656 of 2021

[via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2021 in connection with Entally Police Station Case No. 235 dated 10.07.2018 under Section 120B/498A/302/304B of the Indian Penal Code

And

In Re: **Md. Faiyazuddin @ Mohammad Faigazuddin @ Sunny**
... .. Petitioner

Mr. Satadru Lahiri
Mr. Abhishek Gupta
Ms. Ishita Roy
Ms. Bristi Choudhury

... .. for the petitioner

Mr. S. G. Mukherjee, Id. PP
Ms. Faria Hossain
Ms. Sonali Das

... .. for the State

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that co-accused persons who were present at the place of occurrence have been enlarged on bail by the Coordinate Bench of this Court. He submits petitioner was not in Calcutta at the time of occurrence and is in custody for about three years and five months. He further submits that there is slow progress in the trial of the case.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Co-accuseds who were present at the place of occurrence have been granted bail subsequent to the rejection of bail of the petitioner and progress in the trial of the case is also tardy.

In view of the aforesaid facts and circumstances and keeping in mind the protracted period of detention suffered by the petitioner and as conclusion of trial in the near future appears to be bleak, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner 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 Additional Chief Judicial Magistrate, Sealdah, South 24 Parganas, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)