

29.09.2021
tkm/ct 29
sl no. 123

C.R.M. 5379 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalyani P.S case no. 271/2015 dated 28.4.2015 under sections 392/397 of the IPC
And

Allowed

In Re : Suraj Kumar Thakur @ Raj petitioner

Mr. S K Das

..... for the petitioner

Mr. Ranabir Roy Chowdury

Mr. R D Nandi

..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner submits that the petitioner is in custody for about six years and two months. He draws the attention of this Court to the provision of the IPC in which the petitioner was charged. He submits that maximum punishment is 10 years. Since the petitioner is in detention in excess of half of the period of maximum amount of punishment, the court should grant bail. He submits that in order to allay the fear of the petitioner absconding, the court may impose any condition.

Learned lawyer for the State submits that the petitioner is a resident of Jharkhand and that there is every likelihood of the petitioner absconding and not appearing at the trial.

Considering the period of detention of the petitioner and considering the fact that trial is in progress, we are inclined to grant bail to the petitioner, however on strict condition.

Accordingly, the petitioner 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 ACJM, Kalyani on 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. Petitioner shall not leave the jurisdiction of Kalyani P.S and shall report to the investigating officer once a fortnight until further orders.

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 being CRM 5379 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)