

29.09.2021
Serial no. 119
Dd

(Through Video Conference)

CRM 5347 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **10th August, 2021** in connection with **Domjur** Police Station Case No. **717 of 2019** dated **22.12.2019** under **Sections 302 read with Sections 392/411** of the Indian Penal Code.

-And-

In the matter of : Md. Rais

... ..Petitioner

Mr. Subhasish Paehhal,
Mr. Abhishek Chakraborty, Advocates
... .. For the Petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Dipankar Paramanick Advocate
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner was not named in the First Information Report. However, in the charge sheet the petitioner was named. He submits that the petitioner is in custody in excess of 635 days. The jurisdictional court is presently vacant and, therefore, there is hardly any chance of an expeditious trial.

Learned advocate appearing for the State draws the attention of the court to the contents of the case diary and particularly to the seizure list and the fact that the mobile of the victim was found in the possession of the petitioner. He opposes the prayer for grant of bail.

Considering the fact that police submitted charge sheet and considering the continued period of detention of the petitioner and the fact that there is hardly any possibility of

an expeditious disposal of the trial, 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, Howrah 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 and with a further condition that the petitioner will not enter into the jurisdiction of the local police station.

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 5347 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)