

16.09.2021
Item no. 23
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 5462 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2021 in connection with Bantra Police Station Case No. 116 of 2010 dated 24.10.2010 under Sections 395/397/412 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

And

In the matter of : Akbar Khan.

.....Petitioner.

Mr. Soumya Basu Roy Chowdhuri, Advocate,
.....for the Petitioner.

Mr. Neguive Ahmed, Ld. A.P.P.,
Ms. Trina Mitra, Advocate,
Mr. N.P. Agarwala, Advocate,
.....for the State.

The petitioner is one out of five accused persons. The petitioner says that he has been in custody for 10 years and 10 months. All the other four accused persons have been granted bail. He produces an order dated August 17, 2021 whereby one of the co-accused persons namely Raju Rao was granted bail by this Court in CRM 4226 of 2021.

The petitioner says that he stands on the same footing as that of said Raju Rao.

Learned advocate for the State, in his usual fairness, does not dispute such position.

Considering the aforesaid and also the very long period of detention of the petitioner, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner namely **Akbar Khan** shall 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 Chief Judicial Magistrate, Howrah and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)