

02.06.2021
Item no.24
Court No.28
Avijit Mitra

C.R.M. 9535 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Sishutosh Soren

.... petitioner

Mr. Kazi M. Rahman

....for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Zareen N. Khan,

Mr. Pratick Bose

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Habibpur Police Station Case No.39/1990 dated 04.05.1990 under Sections 302/34 of the Indian Penal Code.

We have heard Mr. Rahman, learned advocate appearing for the petitioner and Mr. Mukherjee, learned Public Prosecutor appearing for the State and considered the materials in the case diary.

It appears that the alleged incident, in which the petitioner was involved, occurred on 3rd February, 1990. He was arrested on 5th May, 1990 and was granted bail within three months thereafter on 1st August, 1990. Subsequent thereto, as the petitioner was allegedly not attending the learned Trial Court, a warrant of arrest was issued on 26th July, 2010 and he was ultimately arrested on 23rd October, 2019. It also appears from the materials in the case diary that the case records were untraceable for a substantial period of time.

Upon completion of investigation charge sheet has already been filed and it does not appear that there is any possibility

towards early conclusion of trial. The petitioner is languishing in custody for about 586 days.

In the said conspectus, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, the petitioner, namely, **Sishutosh Soren**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda.

The petitioner is directed to meet with the Officer-in-Charge, Habibpur Police Station once a fortnight until further orders.

He shall also attend the learned trial court on all the dates specified for hearing.

While on bail, the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.9535 of 2020 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)