

01.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 865 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **79** of **2014** dated **14.03.2014** under Sections 302/120B/34 of the Indian Penal Code and Under Sections 25/27 of the Arms Act.

And

In Re : Bablu Sarkar @ Bubai Sarkar @
Debasish Sarkar @ Babai @ Gujia

..... petitioner

Md. Bani Israil
Ms. K. Gupta

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 4 years 8 months. There is no possibility of trial commencing any time soon let alone concluding. He submits that, all other co-accused are on bail.

Learned advocate appearing for the State draws the attention of the Court to the statement of a person recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner.

Considering the period of detention of the petitioner and considering the fact that the case is yet to be concluded and considering the fact that other co-accused are enlarged on bail

time to time, we deem it appropriate 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Additional Sessions Judge, 1st Court, Serampore, Hooghly**, subject to the condition that 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 appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)