

09.06.2022
Sl. No.48
akd
[ALLOWED]

C. R. M. (DB) 1484 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.05.2022 in connection with West Port Police Station Case No. 192 of 2016 dated 11.09.2016 under Sections 395/397 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re: **Md. Aslam @ Kallu**

... .. Petitioner

Mr. Subhajit Chowdhury

... .. for the petitioner

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor

Ms. Ayantika Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about more than five years. It is further submitted there is inordinate delay in conducting trial.

Learned Additional Public Prosecutor opposes the prayer for bail and submits there are ample evidence against the petitioner. Delay was due to systemic reasons i.e. absence of judicial personnel manning trial court etc.

We have considered the materials on record. Allegation against the petitioner is serious. However, he has suffered substantial period of detention which infracts his fundamental right to speedy trial. Balancing the gravity of the offence on one hand with the protracted period of detention suffered by the petitioner on the other hand, we are of the opinion that further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Md. Aslam @ Kallu**, be released on bail upon furnishing a bond of Rs.20,000/-

(Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24-Parganas subject to condition that the said 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 and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge, West Port Police Station once in a month 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)