

15.07.2022
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allowed

CRM(DB) No. 2315 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 479 of 2021 dated 13.07.2021 under Sections 341/326/307/506/34 of the Indian Penal Code

And

In Re : Sabir Gazi @ Khokon Gazi petitioner

Mr. Dhananjoy Banerjee
Mr. Omar Faruk Gazi

.....for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

..... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits that petitioner is in custody for one year. Trial has not commenced as yet. Hence, there is little possibility of trial concluding the near future.

Learned Counsel appearing for the State opposes the prayer for bail. He submits that petitioner had assaulted the victim.

We have considered the materials on record. Balancing gravity of the offence and the period of detention suffered by the petitioner i.e. one year and the fact that the trial has not commenced as yet, 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 Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)