

04.11.2022.
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as
(Allowed)

C.R.M. (DB) 3847 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hare Street P. S. Case No.61 of 2007 dated 17.02.2007 under Sections 302/394/411 of the Indian Penal Code.

In the matter of : Pradeep Kumar Jha.

.... Petitioner.

Mohammad Khairul.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for more than two years. He submits he was unable to appear before the court below due to the circumstances beyond his control. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits trial is at its fag end.

We have considered the materials on record. Charge has been framed against the petitioner under Section 411 of the Indian Penal Code. Though the conduct of the petitioner is not appreciable, in view of the nature of accusation against the petitioner and keeping in mind the period of detention suffered by him, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, 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 Chief Metropolitan Magistrate, Kolkata subject to condition that he 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 remain within the Municipal limits of Kolkata except for the purposes of attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge, Hare Street Police Station once in a week until further orders.

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 his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)