

17.08.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2743 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with West Port P. S. 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.

In the matter of : Md. Sahid.

.... Petitioner.

Mr. Subhhajit Chowdhury.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Ayantika Roy.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for more than five years. It is contended co-accuseds are on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. No doubt the allegations are grave. However, there is little progress in the matter and the petitioner has suffered under trial detention for more than five years which infracts his fundamental right to speedy trial.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- 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-Paraganas 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.

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.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)