

15.09.2022
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 3048 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.08.2022 in connection with Mahishadal Police Station Case No.108 of 2017 dated 06.04.2017 under Sections 365/379/120B/394/302/201/411 of the Indian Penal Code. (G.R. Case No.496 of 2017)

And

In Re: ***Alauddin Khan***

... .. Petitioner

Mr. Suman De

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Pramanick

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years and four months.

Report with regard to the status of the proceeding is placed on record. It appears from the report 25 witnesses have already been examined. Six more witnesses are yet to be examined.

We have considered the materials on record. Petitioner allegedly received stolen property. He has not been identified as one of the dacoits. In view of the extent of complicity of the petitioner in the alleged crime, protracted period of detention suffered by him and as there is little possibility of the trial concluding in near future, we are of the opinion 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 ***Alauddin Khan***, 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, Haldia, Purba Medinipur 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 not leave the jurisdiction of Tamluk Police Station except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)