

12.09.2022.
22.
as
(Allowed)

C.R.M. (DB) 3080 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 Section 25(1B)(a)/27 of the Arms Act.

In the matter of : Md. Sarfuddin @ Rocky.
.... Petitioner.

Mr. Subhajit Chowdhury.
...for the Petitioner.

Mr. Nguive Ahamed, Id. A.P.P.,
Mr. Iqbal Kabir.
...for the State.

Petitioner is in custody for more than five years. He submits co-accuseds have been enlarged on bail. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner has similar criminal antecedents.

We have considered the materials on record. Petitioner is in custody for more than five years. Co-accuseds have been granted bail. Nothing is placed on record to show delay was attributed by the petitioner and co-accuseds.

Under such circumstances, we are inclined to enlarge the petitioner on bail, however, subject to strict conditions.

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 24-Paraganas

subject to condition that the 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 remain within the jurisdiction of Karaya Police Station except for the purposes of investigation and/or attending court proceedings and shall report to the Officer-in-charge of Karaya Police Station once in a month 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.)