

13.09.2022.
24.
as
(Allowed)

C.R.M. (DB) 3096 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaligang P. S. Case No.445 of 2021 dated 23.08.2021 under Sections 328/379 of the Indian Penal Code and adding Sections 411/413 of the Indian Penal Code.

In the matter of : Sahidul Sk.

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.

...for the Petitioner.

Mr. S. S. Imam,
Mr. R. Jana.

...for the State.

Petitioner is in custody for more than a year. He submits there is inordinate delay in the trial of the case.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had mixed intoxicants in the food of the driver and stole his toto vehicle.

We have considered the materials on record. Stolen article was recovered from the petitioner. However, recording of evidence has not commenced as yet and there is little possibility of the trial concluding in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner and as there is little possibility of the trial concluding in the near future, 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.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar 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 Kaligang Police Station except for the purposes of investigation and/or attending court proceedings and shall report to the Officer-in-charge of Kaligang 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.)