

CRM(DB) No. 3434 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 124 of 2016 dated 12.02.2016 under Sections 435/427/34 of the Indian Penal Code and charge-sheet submitted under Sections 436/427/34 of the Indian Penal Code.

And

In Re : Sk. Nurul Hassan @ Sk. Hassan Ali petitioner

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

.....for the petitioner

Ms. Manisha Sharma

..... for the State

Learned Counsel for the petitioner submits he was on bail. However, no charge has been framed against him. Noticing the aforesaid fact on 15.07.2022 learned trial Judge issued warrant of arrest against him. He surrendered before the trial court on 12.08.2022 and is in custody since then.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Petitioner was on bail. He was not present on a particular date and warrant of arrest was issued. There is no possibility of the trial concluding in the near future.

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

Accordingly, we direct that the petitioner shall 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, Arambagh, Hooghly, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)