

22.11.2022
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allowed

CRM(DB) No. 3969 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khardah Police Station Case No. 457 of 2010 dated 22.08.2010 under Sections 326/307/302/34 of the Indian Penal Code.

And

In Re : Firoj Khan @ Khanua @ Khanna @ Firoz Khan
..... petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Trina Mitra

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than four years. It is also submitted that initially he was on bail. He was arrested in another case. As a result, he was unable to appear and warrant of arrest came to be issued. Subsequently, he was arrested in this case.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had absconded and trial is in progress.

We have considered the materials on record. Petitioner was on bail in the present case. While on bail he was arrested in another case. As a result he was unable to appear and warrant of arrest was issued. As petitioner had not willingly absconded and is in custody for more than four years and there is little possibility

of trial concluding in the near future, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas, on further condition that while on bail the petitioner shall report to the Officer in Charge of the Khardah Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)