

23.11.2022
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allowed

CRM(DB) No. 4096 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kolaghat Police Station Case No. 111 of 2017 dated 02.04.2017 under Sections 394/397/411 of the Indian Penal Code.

And

In Re : Alauddin Khan petitioner

Mr. Amal Krishna Samanta
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Ayantika Roy
..... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits he is in custody for five and half years. It is also submitted that there is inordinate delay in trial of the case. He was not identified in the course of test identification parade.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the fact there is inordinate delay in trial and the extent of complicity of the petitioner in the offence, we are inclined to grant bail to him.

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, Tamruk, Purba Medinipur, subject to condition that 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.)