

24.11.2022.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4112 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mahishadal P. S. Case No.108 of 2017 dated 06.04.2017 under Sections 364/302/201/394/411/413/120B of the Indian Penal Code.

In the matter of : Krishna Das Adhikary @ Bati & Anr.
.... Petitioners.

Mr. Amal Krishna Samanta.
...for the Petitioners.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sonali Das.
...for the State.

Petitioners are in custody for more than five years. Co-accused Alauddin Khan has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners were identified in the course of T. I. Parade. He does not stand on the same footing with Alauddin Khan who has been granted bail. Petitioners have prayed for bail on the ground of inordinate delay in trial. They are in custody for more than five years.

Balancing the nature of accusation with the protracted period of detention suffered by him, we are of the opinion further detention of the petitioners is not necessary and they may be granted bail.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Haldia, Purba

Medinipur subject to condition that they 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.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)