

20.12.2022
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allowed

CRM(DB) No. 4343 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bowbazar Police Station Case No. 384 dated 05.11.2016 under Sections 395/397 of the Indian Penal Code and Section 25(1B)(a)/27 of the Arms Act.

And

In Re : Md. Younus @ Md. Anga petitioner

Mr. Subrata Mukherjee
.....for the petitioner

Mr. Mudhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Report filed by the learned Counsel appearing for the State be kept with record.

Learned Counsel appearing for the petitioner submits he is in custody for six years and one month. It is also submitted that co-accused is on bail. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits prosecution evidence is complete. Date has been fixed for examination under Section 313 of the Code of Criminal Procedure.

We have considered the materials on record. Co-accused, similarly circumstanced with the petitioner, is on bail. There is inordinate delay in trial. Offences do not attract mandatory life imprisonment. 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/- with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, 2nd Fast Track Court, Calcutta, 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.)