

15.12.2022.
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(Allowed)

C.R.M. (DB) 4397 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sinthi P. S. Case No.126 of 2018 dated 02.10.2018 under Sections 120B/170/395/397 of the Indian Penal Code.

In the matter of : Biplab Das @ Bapan.

.... Petitioner.

Mr. Abhimanyu Banerjee,
Mr. Arnab Saha.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for four years and two months. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was a police officer. He abused his official position and committed dacoity. He does not stand on the same footing with the co-accused who has been enlarged on bail.

We have considered the materials on record. No doubt petitioner is the principal offender and the offence is grave. However, petitioner has prayed for bail on the ground of inordinate delay in trial. He has already suffered detention for a protracted period i.e. four years and two months. Offences do not involve mandatory life imprisonment.

Keeping in mind the aforesaid facts and the little possibility of the trial concluding in near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Biplab Das @ Bapan 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, Sealdah, North 24-Paraganas subject to condition he 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 petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)