

05.01.2023
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allowed

CRM(DB) No. 10 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 1008 of 2021 dated 30.11.2021 under Sections 279/337/338/427/304 of the Indian Penal Code.

And

In Re : Tofajul Sk. @ Tuffazul Sk. @ Tafujal Sk. petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 400 days. It is also submitted that there is slow progress in the trial . He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner was driving in an inebriated condition. One of the injured persons expired.

We have considered the materials on record. Though trial is in progress there is little possibility of it concluding in the near future. Petitioner is in custody for more than a year. There is little possibility of his abscondence. Under such circumstances, 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,

Ranaghat, Nadia, 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.)