

30.01.2023
tkm/ct 28
sl no. 33

C.R.M. (DB) 20 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no.483 of 2015 dated 3.9.2015 under sections 341/326/307/302/201/379/120B/34 of the IPC and

Allowed

In Re : Md. Rabiul Hoque @ Rabiul @ Rabiul Hoque

..... petitioner

Ms. M Gomes

Mr. Kausik Biswas

..... for the petitioner

Mr. R D Nandy

Ms. Sonali Das

..... for the State

Petitioner is in custody for about four years. It is submitted there is inordinate delay in the trial.

Report is placed on record. From the report it appears that the case has not been committed to the court of sessions as yet.

Keeping in mind the inordinate delay in the matter, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail, however subject to conditions.

Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain outside the jurisdiction of Kaliachak P.S and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 20 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)