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allowed

CRM(DB) No. 67 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Patuli Police Station Case No. 518 of 2013 dated 08.08.2013 under Sections 395/397 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Sahinuddin Mondal @ Saheb petitioner

Mr. Santanu Talukdar

Ms. Roma Roy

Mr. Monojit Debnath

.....for the petitioner

Mr. Neguive Ahmed, learned APP

Ms. Ayantika Roy

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for nine and half years. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits trial is at its fag end.

We have considered the materials on record. Offences do not attract mandatory life imprisonment. Petitioner is in custody for about ten years. In this backdrop, we are constrained to observe inordinate delay has infringed the fundamental right to speedy trial of the petitioner. Though allegations are grave he is entitled to bail on this score.

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 Judge, Alipore, South 24 Patganas, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Sonarpur Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Sonarpur Police Station once in a week until further orders. 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.)