

13.01.2023
tkm/ct 28
sl no. 55

C.R.M. (DB) 134 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with West Port P.S case no. 192 of 2016 dated 11.9.2016 under sections 395/397 of the IPC and 25(1B)(a)/27 of the Arms Act

and

Allowed

In Re : Irshad Salauddin Sk @ Bombaia

..... petitioner

Mr. S Chowdhury

..... for the petitioner

Mr. M Sur

Mr. D Paramanick

..... for the State

Petitioner is in custody for more than five years. It is submitted there is inordinate delay in trial. Co-accuseds are on bail. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits 17 witnesses out of 31 witnesses have been examined. Fire arms were recovered from the petitioner.

We have considered the materials on record. There is inordinate delay in trial. Petitioner has not contributed to the delay. Co-accuseds are on bail.

In view of the aforesaid facts, we are inclined to extend the same privilege to the petitioner also.

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, South 24 Parganas at Alipore 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.

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

The application being CRM (DB) 134 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)