

08.02.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 194 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Lalgah Police Station Case No.04 of 2011 (CBI SCB, Kolkata Case No. RC 3(S)/2011-Kol dated 21.02.2011 under Sections 120B/148/149/326/307/302 of the Indian Penal Code and Sections 25/27 of the Arms Act, 1959.

And

In Re: **Sk. Khaliluddin @ Md. Khaliluddin**

... .. Petitioner

Mr. Anirban Das
Mr. Debasish Karmakar

... .. for the petitioner

Mr. Arun Kumar Maity
Mr. Amajit De
Mr. Somnath Adhikary

... .. for the CBI

It is submitted on behalf of the petitioner that he is in custody for more than eight years. It is further submitted there is inordinate delay in trial. Co-accuseds have been enlarged on bail by the Hon'ble Apex Court as well as this court.

Report is placed on record on behalf of the CBI. From the report it appears petitioner stands on the same footing with co-accuseds viz. Chandi Karan, Dalim Pandey and Anuj Pandey who have been enlarged on bail. He is not one of the persons who had fired at the victims resulting in their deaths.

Under such circumstances, we are inclined to grant bail to the petitioner on parity.

Therefore, the accused/petitioner, namely **Sk. Khaliluddin @ Md. Khaliluddin**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Chief Judicial Magistrate, Paschim Medinipur subject to condition that the said petitioner 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)