

17.02.2023
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allowed

CRM(DB) No. 270 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgarh Police Station Case No. 04 of 2011 dated 07.01.2011 under Sections 120B/148/307/326/149/302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re : Jaydeb Giri petitioner

Mr. Uday Sankar Chattopadhyay
Mr. Suman Sankar Chatterjee
Ms. Snigdha Saha
Mr. Pronoy Basak
Mr. Arka Ranjan Bhattacharya
.....for the petitioner

Mr. Amajit De
..... for the CBI

Learned Counsel for the petitioner submits he is in custody for more than eight years. It is also submitted co-accuseds are on bail. He prays for bail.

Learned Counsel for the CBI submits report.

From the report it appears the petitioner is not one of the accuseds who had fired victims resulting in loss of nine lives. He is also not the owner of the house where mercenaries had gathered. His role is essentially restricted to obstruction of the injured victims after the occurrence. In CRM (DB) 198 of 2023 this Court while rejecting bail of a co-accused, Nabagopal Sanki, who was one of the persons who fired at the victims, had directed conclusion of trial preferably within two years. Petitioner stands more or less on the same footing with co-accuseds who are on bail.

Keeping in mind the extent of complicity of the petitioner and the protracted period of detention suffered by him, we are of the opinion further detention of the petitioner may not be necessary and he may be released on bail.

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 Chief Judicial Magistrate, Paschim Medinipur, subject to condition that the 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.

Trial court is directed to expedite the trial and conclude the same in the light of the observations made in CRM (DB) 198 of 2023.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)