

25.01.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 293 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Mahishadal Police Station Case No.108 of 2017 dated 06.04.2017 under Sections 364/302/201/394/411/413/120B of the Indian Penal Code. (G.R. Case No.496 of 2017)

And

In Re: **Debu Das**

... .. Petitioner

Mr. Amal Krishna Samanta

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years and nine months. It is further submitted there is inordinate delay in trial. Co-accuseds have been enlarged on bail. Accordingly, he prays for bail on parity.

Learned Additional Public Prosecutor opposes the prayer for bail and submits trial has considerably progressed. Five more witnesses are to be examined.

We have considered the materials on record. Petitioner is in custody for more than five years. Co-accuseds have been enlarged on bail in September, 2022 on the ground of delay in trial. Only one witness has been examined in the meantime. In view of the slow progress in trial, protracted period of detention suffered by the petitioner and as co-accuseds have been enlarged on bail, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Debu Das**, 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 Additional Chief Judicial Magistrate, Haldia, Purba 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.)