

01.02.2023.
32.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 295 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia P. S. Case No.19 of 2020 dated 07.02.2020 under Sections 394/397 of the Indian Penal Code.

In the matter of : Md. Jahangir @ Raja.

.... Petitioner.

Ms. Farnaz Nasim.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Ayantika Roy.

...for the State.

Petitioner is in custody for more than three years. Co-accused is on bail. She prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents and had played a more vital role in the crime.

We have considered the materials on record. Bail to the co-accused was granted on the ground of delay in trial. Petitioner has also suffered incarceration for more than three years. There is little possibility of the trial concluding in the near future. Charged offence, even if proved, does not attract mandatory life imprisonment.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to conditions.

Accordingly, the petitioners viz., Md. Jahangir @ Raja 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 Chief Judicial Magistrate, Sealdah, South 24-Paraganas subject to condition that he 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Baruipur Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Baruipur Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)