

30.01.2023
53
sdas
allowed

CRM(DB) No. 334 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 699 of 2016 dated 25.09.2016 under Sections 395/397 of the Indian Penal Code with added Section 412 of the Indian Penal Code.

And

In Re : Chhaiful Gayen @ Saiful Gayen petitioner

Mr. Amal Krishna Samanta
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Ayantika Roy
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for six years. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits date has been fixed for further examination of the investigating officer. Petitioner has criminal antecedents.

We have considered the materials on record. Petitioner is in custody for more than six years. Offences, even if proved, would not attract mandatory life imprisonment. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Purba Medinipure, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Tamluk Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Tamluk Police Station once in a week until further orders. 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)