

CRM(DB) No. 341 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur Town [KGPT (T)] Police Station Case No. 186 of 2013 dated 13.06.2013 under Section 395 of the Indian Penal Code read with Sections 25/27 of the Arms Act subsequently charge-sheeted under Sections 395/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And
In Re : Akash Singh petitioner

Ms. Sudipa Biswas
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das
..... for the State

Learned Counsel for the petitioner submits he is in custody for over nine years. He prays for bail on the ground of delay.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Offences, even if proved, would not attract mandatory life imprisonment. There is inordinate delay in trial. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner and as co-accuseds are on bail, 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 Additional Sessions Judge (in-charge), 3rd court, Paschim Midnapur, subject to condition that 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.)