

10.02.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 438 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulpi P. S. U. D. Case No.21 dated 02.06.2001 under Sections 302/34 of the Indian Penal Code.

In the matter of : Manjil Molla.

.... Petitioner.

Md. Adil Badr,
Mr. Sobhan Gani,
Mr. Prakash Mishra,
Mr. Shakti Shivam,
Mr. Abdul Kalam Choudhury.

...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Ashok Das.

...for the State.

Petitioner is in custody for 500 days. He submits there is inordinate delay in trial. No witness has been examined since rejection of bail by this Court. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner failed to appear before the trial court and warrant of arrest came to be issued on two occasions. Steps have been taken to examine prosecution witnesses at the earliest.

We have considered the materials on record. It is true petitioner failed to appear before the trial court and warrant of arrest was issued on two occasions. However, one of the occasions was during the pandemic conditions prevailing in

2020-2021. After rejection of bail prayer of the petitioner, no witnesses have been examined till date. .

Under such circumstances, we are of the opinion petitioner may be enlarged on bail subject to strict conditions.

Accordingly, the petitioner viz., Manjil Molla 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, Alipore, 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 Kulti Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Kulti 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.)

