

07.02.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 490 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Baishnabnagar Police Station Case No.149 of 2017 dated 20.02.2017 under Sections 489B/489C of the Indian Penal Code.

And

In Re: **Sariful Shah**

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Jisan Iqbal Hossain

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about six years. It is further submitted there is delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Offence, even if proved, would not attract mandatory life imprisonment. There is little possibility of the trial concluding in near future. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner which infracts his fundamental right to speedy trial under Article 21 of the Constitution of India, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sariful Shah**, 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 Chief Judicial Magistrate, Malda 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.)