

09.02.2023
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allowed

CRM(DB) No. 547 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 143 of 2018 dated 19.02.2018 under Sections 395/397/412/307 of the Indian Penal Code and Sections 25/27/35 of the Arms Act and Sections 3/4 of the Expositive Substance Act.

And
In Re : Abu Taleb Sk. petitioner

Mr. Bani Brata Datta
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Manranjan Mahata
..... for the State

Learned Counsel for the petitioner submits he is in custody for five years. It is also submitted that there is slow progress in the trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits 22 out of 54 witnesses have been examined.

We have considered the materials on record. Only 22 out of 54 witnesses have been examined. There is no possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. Keeping in mind the aforesaid fact and the inordinate delay in trial, 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 5th Court,

Malda, subject to condition that the 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 and on further conditions that while on bail petitioner shall remain with the jurisdiction of Motabari Police Station until further orders except for attending court proceedings and shall report to the Officer-in-Charge, Motabari Police Station once in a week until further orders.

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.)