

15.02.2023.
56.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 602 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia P. S. Case No.119 dated 04.10.2017 under Sections 347/387/34 of the Indian Penal Code amended under Sections 120B/347/386/387 of the Indian Penal Code and Section 25(1B)(a) of the Arms Act and charge sheet submitted under Sections 347/387/34 of the Indian Penal Code.

In the matter of : Sk. Sanjay.

.... Petitioner.

Md. Karim Warsi,
Ms. Arpita Mondal,
Md. Rahim Warsi.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Ashok Das.

...for the State.

Petitioner is in custody for five years. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate for the State submits 12 out of 29 witnesses have been examined.

We have considered the materials on record. Petitioner is in custody for more than five years. There is little possibility of the trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sk. Sanjay shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief

Judicial Magistrate, Sealdah, 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 Tiljala Police Station except for the purpose of attending court proceeding and report to the Officer-in-charge of Tiljala 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.)