

16.02.2023
tkm/ct 28
sl no. 51

C.R.M. (DB) 639 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Khejuri P.S case no. 205 of 2018 dated 17.10.2018 under sections 302/326/506/34 of the IPC
and

Allowed

In Re : Sk. Sahalam Khan @ Saha Alam

..... petitioner

Mr. Debabrata Roy
Mrs. Karabi Roy
Ms. S. Mukhopadhyay
Mr. S Mondal
Ms. S Sarkar

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

Petitioner was on bail. Due to miscommunication, he was unable to appear before the trial court on May 2022 and warrant of arrest was issued. Subsequently, he was arrested in December 2022. Since then he is in custody. He prays for bail.

Learned lawyer for the State submits petitioner had absconded and there was delay in trial.

We have considered the materials on record. Co-accuseds are on bail. It is contended due to miscommunication petitioner failed to appear before the trial court. Subsequently, he has been arrested.

Under such circumstances, we are inclined to enlarge the petitioner on bail however subject to conditions.

Accordingly, the petitioner 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 ACJM, Contai on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate

witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Khejuri P.S except for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of Khejuri P.S once in a week until further orders.

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 being CRM (DB) 639 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)