

20.03.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 667 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with STF case no. 1 of 2018 dated 2.2.2018 under sections 120B/121/121A/123/125 of the IPC added section 4/5/6 of the Explosive and Substance Act along with sections 17/18/18A/19/20/21/23 of the Unlawful Activities (Prevention) Act
and

Allowed

In Re : Manirul Islam @ Doctor

..... petitioner

Ms. Jhuma Sen
Mr. M Ali Sardar
Ms. M Alam

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Petitioner is in custody for four years. He submits there is inordinate delay in trial. Co-accuseds have been enlarged on bail. He prays for bail on parity.

Learned lawyer for the State submits trial has progressed. One witness has been examined.

We have considered the materials on record. No incriminating materials or explosives were recovered from the petitioner. He is alleged to be a conspirator. Co-accuseds standing on the same footing have been enlarged on bail. There is inordinate delay in trial. Grant of bail on the ground of delay in trial is not fettered by section 43(D)(5) of the UAPA Act.

Under such circumstances, we are inclined to enlarge the petitioner on bail on parity.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Chief Judge, City Sessions Court, Calcutta 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 municipal limits of the city of Kolkata and shall provide the address where he shall presently reside to the investigating agency as well as the court below and shall report to the Officer-in-Charge of the police station within whose jurisdiction he shall presently reside 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) 667 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)