

20.02.2023
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allowed

CRM(DB) No. 673 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Patuli Police Station Case No. 518 of 2013 dated 08.08.2013 under Sections 395/397 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Bakibilla Gazi @ Kaka & Anr. petitioners

Md. Shamimuddin

.....for the petitioners

Mr. Neguive Ahmed, learned APP

Ms. Jonaki Saha

..... for the State

Learned Counsel for the petitioners submits they are in custody for nine years. There is inordinate delay in trial. Co-accused is on bail. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is at its fag end.

We have considered the materials on record. Petitioners stand on the same footing with co-accused who is on bail. Keeping in mind the aforesaid fact and protracted period of detention suffered by the petitioners, we are inclined to grant bail to them.

Accordingly, we direct that the petitioners 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 Chief Judicial Magistrate, Alipore, South 24 Parganas, subject to condition that the petitioners 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.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)