

14.03.2023
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allowed

CRM(DB) No. 712 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sinthi Police Station Case No. 183 dated 05.11.2013 under Sections 120B/395/397 of the Indian Penal Code and under Sections 25(1B)(a)/30 of the Arms Act and charge-sheet submitted under Sections 120B/395/397/412/75 of the Indian Penal Code and under Sections 25(1B)(a)/30 of the Arms Act.

And

In Re : Md. Israel Khan @ Md. Israil petitioner

Mr. Farooque Ali
Mr. Faizan Md. Zafar

.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Jonaki Saha

..... for the State

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

Learned Counsel for the State opposes the prayer for bail and submits petitioner is a habitual offender. He has prior convictions.

We have considered the materials on record. Though the petitioner has criminal antecedents, we note that the petitioner has suffered incarceration for nine years. None of the offences, even if proved, would attract mandatory life imprisonment. Balancing the nature of accusation with the period of detention suffered by him, we are inclined to grant bail to the petitioner subject to strict conditions.

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, Fast Track Court-I, Sealdah, Kolkata, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Amherst Street Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Amherst Street Police Station once in a week until further orders. 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.

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.)