

15.03.2023
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allowed

CRM(DB) No. 937 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 143 of 2018 dated 19.02.2018 under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In Re : Raju Mandal & Ors. petitioners

Ms. Minoti Gomes

.....for the petitioners

Ms. Zareen N. Khan

Md. Kutubuddin

..... for the State

Learned Counsel for the petitioners submits his clients are in custody for more than five years. There is delay in trial. Co-accused is on bail. They pray for bail on parity.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though allegations are grave, petitioners are in custody for more than five years. Bail prayer of the petitioners was turned down by a co-ordinate Bench of this Court in March, 2022. Though about a year passed there was no appreciable progress in trial. Under such circumstances, co-accused was enlarged on bail. Petitioners stand on the same footing with the said co-accused. Accordingly, we are inclined to extend the same privilege to the petitioners.

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 Additional Sessions Judge, 5th Court, Malda, 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 and on further conditions that while on bail petitioners shall remain with the jurisdiction of Motabari Police Station until further orders except for attending court proceedings and shall report to the Officer-in-Charge, Motabari Police Station once in a week until further orders.

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.)