

27.03.2023
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allowed

CRM(DB) No. 1106 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulpi Police Station Case No. 90 of 2001 dated 02.06.2001 under Sections 302/34 of the Indian Penal Code.

And
In Re : Farid Ali Laskar @ Farid Laskar petitioner

Md. Shamimuddin
Mr. Raunak Shaw
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Ayantika Roy
..... for the State

Learned Counsel for the petitioner submits he is in custody for 550 days. It is also submitted there is inordinate delay in trial. Co-accused Manjit Molla is on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial has commenced.

We have considered the materials on record. Though petitioner had absconded for a period of time, progress in the trial is not appreciable. Co-accused Manjit Molla has been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

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 Chief Judicial Magistrate, Alipore, South 24 Parganas, on further condition that while on bail petitioner shall remain within the Kulti Police Station except

for the purposes of investigation and /or attending court proceeding and report to the Officer-in-Charge of the Kulti 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.)