

27.03.2023
tkm/ct 28
sl no. 73

C.R.M. (DB) 1127 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raipur case no. 69 of 2015 dated 24.9.2015 under sections 302/34 of the IPC and sections 25/27 of the Arms Act

Allowed In Re : Sk Mantaj Ali & Ors. and petitioners

Mr. A Rao
Ms.D Das

..... for the petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
Mr. A K Dutta

..... for the State

Petitioners are in custody for more than seven years. They submit there is inordinate delay in trial. They renew their prayer for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Bail prayer of the petitioners was rejected in April 2022. Thereafter on various dates witnesses remained absent and only five more witnesses were examined. Remaining witnesses are official witnesses and there is no possibility of their being won over.

Keeping in mind the aforesaid facts and the protracted period of undertrial detention suffered by the petitioners which has infringed their fundamental right to speedy trial, we are inclined to enlarge the petitioners on bail, however, subject to conditions.

Accordingly, the petitioners 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 ACJM, Khatra, Bankura on condition that the petitioners

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 petitioners while on bail shall remain within the jurisdiction of Raipur P.S expect for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of the said P.S once in a week until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 1127 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)