

03.04.2023
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allowed

CRM(DB) No. 1158 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Singur Police Station Case No. 36 of 2016 dated 01.02.2016 under Sections 395/397 of the Indian Penal Code along with Sections 25/27 of the Arms Act and subsequently charge-sheet submitted under Sections 395/397/396 of the Indian Penal Code with Sections 25/27 of the Arms Act.

And
In Re : Soumen Baidya petitioner

Ms. Zeenia Rudra
Mr. T. Kumai
Mr. Megha Chanda
....for the petitioner

Mr. Neguive Ahmed, learned APP
Mr. Iqbal Kabir
.... for the State

Learned Counsel for the petitioner submits he is in custody for more than seven years. It is also submitted there is inordinate delay in trial. Co-accused are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits delay is due to non-cooperation by accused persons.

We have considered the materials on record. Petitioner is in custody for more than seven years. Co-accused are on bail. Offence does not attract mandatory life imprisonment. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Chandannagar, Hooghly, subject to conditions that 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.

Trial court is directed to expedite the trial and conclude the same at an early date without granting unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)