

29.03.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 1194 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Raniganj Police Station Case No.130 of 2018 dated 02.05.2018 under Sections 394/397/307/302/411 of the Indian Penal Code read with Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.879 of 2018)

And

In Re: **Ashis Das @ Pintu**

... .. Petitioner

Mr. Tirupati Mukherjee

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits trial has commenced. Culpability of the petitioner stands on a higher footing than the co-accused who has been enlarged on bail.

We have considered the materials on record. Co-accused has been enlarged on bail on the ground of inordinate delay in trial. Petitioner has also suffered incarceration for more than four years. There is very slow progress in trial and only one witness has been examined till date. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Ashis Das @ Pintu**, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)