

13.04.2023.
31
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1249 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CBI/SCB/Kolkata Case No.RC0562021S0051 dated 16.12.2021 under Sections 143/144/147//148/149/427/326/376/511/34 of the Indian Penal Code.

In the matter of : Sekh Kabirul @ Sk. Kabirul.
.... Petitioner.

Ms. Minoti Gomes,
Mr. Kunal Ganguly,
Mr. S. Das Mahapatra,
Ms. Madhurai Sinha.
...for the Petitioner.

Mr. Arun Kr. Maiti (Mohanty),
Mr. Amajit De, Spl. P.P.
...for the CBI.

Petitioner is in custody for 159 days. He renews his bail prayer.

Learned Advocate for the CBI opposes the prayer for bail. He submits petitioner is the principal accused who attempted to rape the victim.

We have considered the materials on record. Bail prayer of the petitioner was rejected on merits earlier. Thereafter, there has not been any progress in the matter. Possibility of the trial commencing far less concluding in the near future is bleak.

Balancing the nature of accusation with the period of detention suffered by him, we are of the opinion further

detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Sekh Kabirul @ Sk. Kabirul 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, Suri, Birbhum subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Sadaipur Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Presence of the Investigating Officer is noted and dispensed with.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

