

11.04.2023
46
sdas
allowed

CRM(DB) No. 1334 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia Police Station Case No. 119 of 2017 dated 04.10.2017 under Sections 347//387/34 of the Indian Penal Code and adding Sections 120B/386 of the Indian Penal Code read with Section 25(1B)(a) of the Arms Act.

And

In Re : Sabir Khan @ Sabbir Khan & Anr. petitioners

Mr. Siddhartha Sarkar

....for the petitioners

Mr. Neguive Ahmed, learned APP

Ms. Jonaki Saha

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioners are in custody for about five years. There is inordinate delay in trial. Co-accused, Sk. Sanjay has been enlarged on bail. Petitioners stand on the same footing with the co-accused and are entitled to the same relief.

Accordingly, we direct that the petitioners shall 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 Additional Chief Judicial Magistrate, Sealdah, South 24 Parganas, on further condition that while on bail petitioners shall remain within the jurisdiction of Topsia Police Station except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of Topsia Police Station once in a week until further orders.

Petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)