

27.04.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1703 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madhyamgram P. S. Case No.873 of 2014 dated 04.12.2014 under Sections 302/342/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Samser Ali @ Buro & Anr.

.... Petitioners.

Mr. Soubhik Mitter,
Mr. Liton Maitra.

...for the Petitioners.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

Petitioners are in custody for more than eight years. There is inordinate delay in trial. On such score, co-accused has been enlarged on bail. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioners had chopped and fired at the victim. As a result victim had died.

We have considered the materials on record. No doubt allegations are grave but petitioners have suffered incarceration for more than eight years. Court is lying vacant. Co-accused is on bail.

Under such circumstances, we are constrained to extend the same privilege to the petitioners also.

Accordingly, the petitioners viz., Samser Ali @ Buro and Hafijul Haque @ Bubu 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 Chief Judicial Magistrate, Barasat, North 24-Paraganas subject to condition that they 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 petitioners while on bail shall remain within the District of North 24-Paraganas and report to the Officer-in-charge, Madhyamgram Police Station once in a week until further orders.

In the event the petitioners fail to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)