

12.05.2023
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allowed

CRM(DB) No. 1731 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No. 111 of 2022 dated 06.05.2022 under Sections 341/323/326/354/307 of the Indian Penal Code read with Sections 25(1A)(1B)/27 of the Arms Act and subsequently charge-sheet submitted under Sections 341/323/326/307/120B of the Indian Penal Code.

And
In Re : Manik Haldar petitioner

Mr. Niladri Shekhar Ghosh
Mr. Shourav Mandal
Ms. Swati Jha
.....for the petitioner

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee
.... for the State

Learned Counsel for the petitioner submits he is in custody for 373 days. It is also submitted there is no progress in trial since rejection of bail by this Court in November, 2023. He prays for bail.

Learned Counsel for the State opposes the bail prayer and submits report.

We have considered the materials on record. Delay in trial is due to vacancy in the trial court. Petitioner has suffered for a considerable period of time. There is little possibility of concluding trial in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Gangarampur at Buniadpur, Dakshin Dinajpur, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)