

01.05.2023
tkm/ct 28
sl no. 54

C.R.M. (DB) 1762 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shibpur PS case no. 304 of 2011 dated 3.5.2011 under section 302 of the IPC and 25/27 of the Arms Act
And

Allowed

In Re : Sk. Ashique @ Pappu

..... petitioner

Mr. Pawan Kr. Gupta
Ms. S Nesar
Mr. Santanu Sett

..... for the petitioner

Ms. Z N Khan
Md. Kutub Uddin

..... for the State

Petitioner was released on bail in 2011. Thereafter he failed to appear before the court below. He was re-arrested in 2016. Presently he is in custody for more than seven years. There is little possibility of trial concluding in the near future.

Learned lawyer for the State opposes the bail. He submits petitioner had absconded. 22 out of 39 witnesses have been examined. There is direct evidence connecting the petitioner with the crime.

We have considered the materials on record. Petitioner was earlier on bail. Subsequently, warrant of arrest came to be issued. He was rearrested in 2016. Since then he is in custody. Though 22 witnesses have been examined prosecution proposes to examine 17 more witnesses. There is no possibility of trial concluding in near future.

In view of the aforesaid circumstances, we are of the opinion further detention of the petitioner may not be necessary, but his

movement requires to be restricted in order to ensure his presence during trial.

Accordingly, the petitioner 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 CJM Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the District of Howrah and shall report to the Officer-in-Charge, Shibpur P.S once in a week until further orders.

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 being CRM (DB) 1762 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)