

03.05.2023
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allowed

CRM(DB) No. 1798 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 adding Sections 120B & 386 of the Indian Penal Code read with Section 25(1B)(a) of the Arms Act.

And

In Re : Neha Khatoon alias Bittu alias Minu & Anr..... petitioners

Mr. Siddhartha Sarkar
Mr. Bitan Das

....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Manoranjan Mahata

.... for the State

Petitioners are in custody for four and half years. Co-accused are on bail. There is little possibility of trial concluding in the near future. They pray for bail.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioners were cancelled earlier.

We have considered the materials on record. Though bail of the petitioners were cancelled on the ground some of the accused had suppressed the earlier rejection of bail and procured bail orders, it may be noted petitioners have undergone incarceration for more than four and half years and there is little possibility of trial concluding in the near future. On such score co-accused have been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioners also.

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.)