

15.05.2023
tkm/ct 28
sl no. 49

C.R.M. (DB) 1930 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kasba PS case no. 7 of 2016 dated 5.1.2016 under sections 302/394/34 of the IPC

And

Allowed

In Re : Niyaz Ahamed @ Niyaz Ahmed petitioner

Mr. S Purkayastha
Ms. J Bhattacharya

..... for the petitioner

Mr. N Ahmed
Ms. Amita Gaur

..... for the State

Petitioner is in custody for more than seven years. He submits that there is slow progress in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits there are ample evidence connecting the petitioner with the crime.

We have considered the materials on record. Though the allegation against the petitioner is grave, there is slow progress in the trial. Only 15 witnesses have been examined till date. Other witnesses are official witnesses and there is no chance of their being won over.

Keeping in mind the aforesaid fact and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Alipore, South 24 Parganas 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.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application being CRM (DB) 1930 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)