

19.05.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2040 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P. S. Case No.390 of 2016 dated 30.08.2016 under Sections 302/201/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Vikash Manjhi @ Majhi @ Vikash
Manji @ Bikash Mojhi.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

...for the State.

Mr. Arunava Ganguly,
Mr. Mukesh Gupta.

...for the de-facto complainant.

Petitioner is in custody for more than six years. He submits that the Apex Court directed the trial to be concluded preferably on or before 31st March, 2023. Liberty was given to the petitioner to file bail application in changed circumstances.

Learned Advocate for the State opposes the bail prayer. He submits trial has progressed considerably. Five more witnesses are yet to be examined.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Evidence on record implicates the petitioner in the offence. But he has under gone incarceration for more than six and half years. Trial has not concluded within 31st March, 2023. No reason has been assigned why the trial court failed to conclude the

trial within the time frame. Most of the remaining witnesses proposed to be examined are police personnel. There is no possibility of their being won over in the event petitioner is released on bail.

Under such circumstances, we are inclined to release the petitioner on bail subject to strict conditions.

Accordingly, the petitioner viz., Vikash Manjhi @ Majhi @ Vikash Manji @ Bikash Mojhi 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 Chief Judicial Magistrate, North 24-Paraganas, Barasat subject to condition that he 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 petitioner while on bail shall remain within the District of North 24-Paraganas and shall report to the Officer-in-charge, Amdanga Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

