

07.06.2023
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allowed

CRM(DB) No. 2108 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. Police Station Case No. 04 dated 06.05.2018 under Sections 409/413/120B of the Indian Penal Code and Section 25(1AA) of the Arms Act and Sections 13(1)(c)(d) and 13(2) of Prevention of Corruption Act.

And
In Re : Sukhda Murmu petitioner

Mr. Joydeep Biswas
Mr. Rajnish Kalawatia
Mr. Abdullah Bin Masi
....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Subrato Roy
.... for the State

Learned Counsel for the petitioner submits he is in custody for more than five years. It is also submitted that there is delay in trial. Only six witnesses have been examined till date. There is no possibility of trial concluding in the near future. Co-accused have been granted bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner stands on a different footing from co-accused who had been enlarged on bail.

We have considered the materials on record. Allegations involve with illegal sale of antique guns from a gun factory. It is alleged that the petitioner was the distributor of the said guns which were recovered from co-accused. Co-accused are on bail. Though involvement of the petitioner is slightly different from the co-accused it is undeniable that he is in custody for more than

five years and pace of trial does not inspire confidence. Offences even if proved, would not attract life imprisonment. Accordingly, we are inclined to grant bail to the petitioner.

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 Chief Metropolitan Magistrate, Kolkata, subject to the condition 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.)