

17.08.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2123 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah P.S. Case No.13 of 2021 dated 15.01.2021 under Sections 379/511/427/307/34 of the Indian Penal Code.

In the matter of : Rohis Khan @ Raish Khan @ Md.
Raish Khan @ Mustak Mollaji.
.... Petitioner.

Mr. Anand Keshari,
Ms. Sutapa Ghosh (Bose).
...for the Petitioner.

Mr. Arijit Ganguly,
Ms. Puspita Saha.
...for the State.

1. Petitioner is in custody for more than two years. It is contended charge has been framed on 5th August, 2023 but there is no possibility of trial concluding in the near future. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for recording prosecution evidence. He also submits petitioner has criminal antecedents.
3. We have considered the materials on record. Petitioner has been in custody for more than two years. Charge has been framed only on 5th August, 2023. There is no possibility of trial concluding in the near future. Report with regard to antecedents of the petitioner does not relate to serious offences.
4. Keeping in mind the aforesaid circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., Rohis Khan @ Raish Khan @ Md. Raish Khan @ Mustak Mollaji 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, Howrah 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 petitioner while on bail shall meet the Officer-in-charge, Liluah Police Station once in a week until further order.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)