

04.07.2023
Sl. No.96
akd
[ALLOWED]

C. R. M. (DB) 2543 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.06.2023 in connection with English Bazar Police Station Case No.143 of 2018 dated 19.02.2018 under Sections 395/397/412/307 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

And

In Re: ***Md. Najiul Khan @ Najiul Khan @ Md. Naziul Khan***
... .. Petitioner

Ms. Minoti Gomes
... .. for the petitioner

Mr. Swapan Banerjee
Mrs. Purnima Ghosh
... .. for the State

Heard the learned Advocates appearing for both the parties.

We have considered the materials on record. Though bail prayer of the petitioner was rejected in March, 2023 and direction was given to conclude trial within one year from the date of recording evidence, co-accused have been enlarged on bail on the ground of delay in trial. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Md. Najiul Khan @ Najiul Khan @ Md. Naziul Khan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioner 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 not leave the jurisdiction of Mothabari Police Station except for the purpose of attending court proceedings and

shall report to the Officer-in-charge, Mothabari Police Station once in a week until further orders.

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

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)