

07.07.2023
D/L 24
Ct. No.28
allowed
(SKB)

CRM (DB) 2649 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 1126 of 2021 dated 15.09.2021 under Sections 395/412 of the Indian Penal Code

And

In the matter of : Md. Abdul Jalil

... Petitioner

Ms. Devi Priya Mitra

... for the petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty

... for the State

Petitioner is in custody for 629 days. It is contended in spite of direction given by this court to conclude the trial within one year, only one witness has been examined. He prays for bail on the ground of delay.

Learned advocate for the State opposes the bail prayer. He submits petitioner was identified in T.I. parade and stolen articles were also recovered from the possession of the petitioner.

We have considered the materials on record. No doubt there are materials implicating the petitioner. However, he has suffered incarceration for a protracted period of time and progress in trial is very tardy. In spite of direction given by this court in CRM (DB) 1674 of 2022 in June, 2022 to conclude trial within a year, only one witness has been

examined till date. Prosecution proposes to examine around 17 witnesses and there is little possibility of trial concluding in the near future. It is also relevant to note offences, if proved, would not attract mandatory life imprisonment.

Under such circumstances we are inclined to grant bail.

Accordingly, petitioner namely Md. Abdul Jalil 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 CJM, Howrah 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.

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 being CRM (DB) 2649 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)