

18.07.2023.
20.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2731 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narkeldanga P.S. Case No.281 of 2015 under Sections 302/34 of the Indian Penal Code

In the matter of : Asif Quresi @ Md. Asif Quresi.

.... Petitioner.

Mrs. Swarnali Saha,
Mr. Sanjay Dutta.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.

...for the State.

Petitioner is in custody for more than seven years. There is inordinate delay in trial. Co-accused has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits report.

We have considered the materials on record. Though allegations are grave, progress in the trial is very slow. Co-accused has been enlarged on bail. Though it is contended petitioner is the principal accused, we note that he has suffered incarceration for more than seven years. Vulnerable witnesses have already been examined. There is no chance of his abscondence.

Under such circumstances, we are inclined to enlarge the petitioner on bail, however, subject to conditions.

Accordingly, the petitioner viz., Asif Quresi @ Md. Asif Quresi 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 Additional Chief Judicial Magistrate, Sealdah, South 24-Paraganas 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 Municipal limits of Kolkata and South 24-Parganas and report to the Officer-in-charge of Narkeldanga 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)