

02.08.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2771 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur P. S. Case No.628 of 2018 dated 29.08.2018 under Sections 302/201/34 of the Indian Penal Code.

In the matter of : Sk. Monsur Ali.

.... Petitioner.

Mr. Asraf Ali,
Mr. Rafikul Islam Sardar.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur.

...for the State.

It is submitted petitioner is aged around 69 years and is not the principal accused. There is slow progress in trial. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected on merits in February, 2023.

We have considered the materials on record. There are incriminating materials implicating the petitioner in the crime. But he is aged around 70 years and the progress in the trial since rejection of bail is not appreciable. Motive to commit crime is not attributable to the petitioner but to his son who had taken the loan.

Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, the petitioner viz., Sk. Monsur Ali 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 that the petitioner while on bail shall not enter the jurisdiction of Domjur Police Station except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside 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.

The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)