

12.07.2023  
tkm/ct 28  
sl no. 46

**C.R.M. (DB) 2783 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Howrah P.S case no. 252 of 2013 dated 3.4.2013 under sections 489B/489C/120B of the IPC  
and

**Allowed**

In Re : Sk. Ashique @ Pappu

... petitioner

Mr. Pawan Kr. Gupta

Ms. S Nesar

Mr. S Sett

..... for the petitioner

Ms. Z N Khan

Md. Kutubuddin

..... for the State

Petitioner is in custody for six years. It is submitted there is slow progress in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer. She submits petitioner had misused his liberty and absconded.

We have considered the materials on record. Though conduct of the petitioner is not appreciable, he is languishing in jail for six years. Only five witnesses have been examined. There is little possibility of trial concluding in the near future.

Under such circumstances, we are inclined to grant bail to the petitioner however subject to condition.

Accordingly, the petitioner 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 CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing 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 District of Howrah and shall report to the Officer-in-Charge, Howrah P.S 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 being CRM (DB) 2783 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**