

14.07.2023
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 2798 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with KLC Police Station Case No.92 of 2018 dated 17.05.2018 under Sections 302/201/34 of the Indian Penal Code.

And

In Re: **Rahul Kumar**

... .. Petitioner

Md. Abdur Rakib

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor

Ms. Amita Gaur

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years and two months. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner is the husband of the victim lady.

We have considered the materials on record. Allegations are grave. Petitioner is in custody for more than five years and there is little possibility of the trial concluding in the near future. Co-accused have been enlarged on bail. Under such circumstances, we are inclined to enlarge the petitioner on bail on the ground of inordinate delay in trial.

Therefore, the accused/petitioner, namely **Rahul Kumar**, 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 Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)