

11.08.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3174 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.08.2023 in connection with Bansdroni Police Station Case No.65 of 2019 dated 04.04.2019 under Sections 120B/302/34 of the Indian Penal Code.

And

In Re: ***Mosiur Rahaman***

... .. Petitioner

Ms. Sreyashee Biswas
Ms. Benazir Hasna
Mr. Aliul Islam

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused was rejected earlier. Nine witnesses have already been examined.
3. We have considered the materials on record. Case is based on circumstantial evidence. Most of the witnesses (*three in number*) who have claimed to have last seen the accused with the victim have been examined. Other witnesses are mostly police witnesses and medical evidence. Further detention of the petitioner to prevent influence on the said witnesses is not necessary. Keeping in mind the aforesaid circumstances particularly the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely ***Mosior Rahaman***, 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 Chief Judicial Magistrate, South 24-Parganas at Alipore 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 and on further condition that the petitioner, while on bail, shall remain with the jurisdiction of the district of South 24-Parganas and shall report to the Officer-in-charge, Bansdrani Police Station once in a week until further orders.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)