

22.08.2023
tkm/ct 28
sl no. 40

C.R.M. (DB) 3287 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jadavpur P.S case no. 432 of 2013 dated 18.7.2013 under sections 302/396/34 IPC
and

Allowed

In Re : Badal Dolui @ Badal Dalui

... petitioner

Mr. M Chatterjee
Mr. Manas Das
Mr. D Majumder

..... for the petitioner

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

1. Petitioner is in custody for more than 10 years. There is delay in trial. Co-accused have been enlarged on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner had suffered incarceration for more than 10 years. Bail payer of the petitioner was rejected earlier in 2015. Subsequently, on the ground of delay co-accused have been granted bail. Petitioner is entitled to same treatment.
4. 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 South 24 Parganas at Alipore 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.

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 being CRM (DB) 3287 of 2023 is disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)