

24.08.2023
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allowed

CRM(DB) No. 3316 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No. 08 of 2015 dated 06.01.2015 under Sections 302/34 of the Indian Penal Code.

And
In Re : Mithu Singh petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
.....for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than eight years. There is delay in trial. Co-accused has been granted bail. He renews his prayer for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial has substantially progressed.

3. We have considered the materials on record. Petitioner has suffered incarceration for more than eight years. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail. Under such circumstances, we are inclined to extent the similar privilege to the petitioner also.

4. Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions that petitioner shall

appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within Ranaghat Police Station and report to the Officer-in-charge of Ranaghat Police Station once in a week until further orders.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)