

31.08.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 3405 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2023 in connection with New Alipore Police Station Case No.277 of 2016 dated 19.10.2016 under Sections 395/397 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re: ***Pradip Kumar Kamat***

... .. Petitioner

Mr. Shiladitya Barma

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner confessed his guilt before Magistrate.
3. We have considered the materials on record. Bail is sought on the ground of delay and not on merits. He has suffered incarceration for more than six years. Trial has proceeded at a slow pace. Under such circumstances, co-accused had been enlarged on bail. Offences, even if proved, would not attract mandatory life imprisonment. Hence, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely ***Pradip Kumar Kamat***, 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 Sessions Judge, 9th Court, Alipore, 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.

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.)