

18.09.2023
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allowed

CRM(DB) No. 3619 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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 : Sahin Kadir @ Sain Kadir petitioner

Mr. Abhimanyu Bannerjee
Mr. Arnab Saha
....for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for four years and five months. Co-accused are on bail on the ground of delay in trial. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner is in custody for four years and five months. Co-accused have been enlarged on bail on the ground of delay in trial. Petitioner is entitled to similar relief.

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 Chief Judicial Magistrate, Alipore, South 24 Parganas 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 petitioner while on bail shall meet the Officer-in-Charge, Raghunathganj 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.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)