

26.09.2023
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allowed

CRM(DB) No. 3732 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 553 of 2014 dated 26.05.2014 under Sections 302/34 of the Indian Penal Code and Sections 25(i)(a)/27 of the Arms Act.

And
In Re : Manatosh Sarkar petitioner

Md. Khalid Hasan
Mr. N. Ahmed Mallick
.....for the petitioner

Mr. Neguive Ahamed, learned APP
Ms. Trina Mitra
..... for the State

1. Report filed in Court be kept on record.
2. We have considered the materials on record. Petitioner is in custody for more than eight years. There is inordinate delay in trial. Under such circumstances, co-accused have been enlarged on bail. We are inclined to extend the similar privilege to the petitioner also.
3. 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, Raiganj, Uttar Dinajpur, subject to condition 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

while on bail petitioner shall remain within the District of Uttar Dinajpur and report to the Officer-in-Charge, Raiganj Police Station once in a week until further orders.

4. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)