

27.09.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 3742 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2023 in connection with Liluah Police Station Case No.13 of 2021 dated 15.01.2021 under Sections 379/511/427/307/34 of the Indian Penal Code. (G.R. Case No.284 of 2021)

And

In Re: ***Mithun Roy @ Milton Roy & Anr.***

... .. Petitioners

Mr. Arnab Chatterjee
Ms. Poulami Bose

... .. for the petitioners

Mr. Swapan Banerjee
Mr. Pravas Bhattacharya

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and four months. It is further submitted there is hardly any progress in the matter since rejection of bail by this court. Co-accused has been enlarged on bail in August, 2023. Accordingly, they renew their prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. On the score of delay, co-accused has been enlarged on bail. There is little possibility of trial concluding in the near future. Accordingly, we are inclined to extend the same privilege to the petitioners also.
4. Therefore, the petitioners, namely ***(1) Mithun Roy @ Milton Roy & (2) Md. Imtiyaz Alam***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)