

11.10.2023
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allowed

CRM(DB) No. 3960 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kasba Police Station Case No. 172 of 2021 dated 26.06.2021 under Sections 419/170/420/467/468/471/276/188/120B of the Indian Penal Code read with Section 58(1) of the Disaster Management Act.

And

In Re : Rabin Sikdar petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Ms. Priyanka Sarkar

....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 796 days. Co-accused have been granted bail. There is no possibility of trial concluding in near future. He prays for bail.

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

3. We have considered the materials on record. Though allegations are grave and involve complicity of the petitioner in the crime of setting up fake vaccination camps during Covid Pandemic we note there is very slow progress in the trial. Petitioner is in custody for 796 days. Only two out of seventy five witnesses have been examined. Co-accused have been granted bail. Under such circumstances, petitioner is entitled to the same relief and is enlarged on bail.

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 Sessions Judge, 14th court, 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.

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.)