

17.10.2023
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allowed

CRM(DB) No. 4060 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 301 of 2022 dated 25.03.2022 under Sections 195A/326A/307 of the Indian Penal Code.

And

In Re : Saiful Sk. @ Saiful Hoque petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Ray
Ms. Roma Roy

....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Nirupam Dhali

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than one year and six months. It is also submitted victim has been examined. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Counsel for the State opposes the prayer for bail and submits victim suffered acid burn injuries.
3. We have considered the materials on record. Allegations are serious but the victim has already been examined. There is little possibility of trial concluding in the near future. Offences, if proved, may not attract mandatory life imprisonment. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to strict conditions.
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 Chief Judicial Magistrate, Malda, on further condition that while on bail petitioner shall not enter the jurisdiction of Kaliachak Police Station except for the purposes of investigation and /or attending court proceeding and shall provide address where he shall reside to the investigating agency as well as court below and shall meet the officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)