

19.10.2023
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allowed

CRM(DB) No. 4119 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally Police Station Case No. 188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34/114 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act read with Sections 3/5 of the Explosive Substance Act and subsequently charge-sheeted under Sections 307/324/323/427/34 of the Indian Penal Code.

And

In Re : Kunal Lal @ Babla petitioner

Mr. Avik Ghatak
Mr. Debapriya Majumder
....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Amita Gaur
.... for the State

1. Learned Counsel for the petitioner submits he was on bail. Subsequently his bail came to be cancelled by this Court. Since then he is in custody for one year and nine months. Co-accused has been enlarged on bail. There is no possibility of trial concluding in the 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. Petitioner is in custody for a considerable period of time. There is no possibility of trial concluding in the near future. Co-accused has been enlarged on bail. Under such circumstances, we are inclined to grant bail to the petitioner 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,

Sealdah, South 24-Paranas, on further conditions that the petitioner shall not enter the jurisdiction of Entally Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently 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 is presently residing once in a week until further orders. He 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.

7. Trial court shall ensure speedy conclusion of trial and shall not permit deferment of cross-examination by the defence. In the event petitioner or any accused who is on bail resorts to delay or any dilatory tactics it shall be open to the trial court to cancel his bail in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)