

30.11.2023
tkm/ct 28
sl no. 68

C.R.M. (DB) 4159 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rajarhat P.S case no. 12 of 2016 dated 13.1.2016 under sections 302/201/120B/34 IPC
and

Allowed

In Re : Asmat Ali

..... petitioner

Mr. Sourov Mondal
Mr. M Ghosal

..... for the petitioner

Mr. M Sur
Mr. A Manna

..... for the State

1. Petitioner is in custody for more than seven years. He contends there is inordinate delay in trial. He prays for bail.
2. Learned lawyer for the State submits trial has considerably progressed.
3. We have considered the materials on record. Allegation against the petitioner is grave but he has suffered incarceration for more than seven years. Witnesses who are not yet examined are police personnel and there is no chance of them being won over.
4. Keeping in mind the protracted period of detention suffered by the petitioner and as there is no chance of abscondence we are inclined to grant bail to the petitioner, however, subject to strict conditions.
5. Accordingly, the petitioner 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 CJM Barasat, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and

shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the district of north 24 Parganas and shall report to the Officer-in-Charge of Rajarhat police station once in a week until further orders.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. Trial be concluded within one year from the next date fixed before the trial court.

8. The application being CRM (DB) 4159 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)