

16.11.2023
Sl. No.33
akd
[ALLOWED]

C. R. M. (DB) 4165 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.10.2023 in connection with Jorabagan Police Station Case No.68 of 2017 dated 02.06.2017 under Sections 120B/395/397 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act.

And

In Re: ***Rajiv Mahato***

... .. Petitioner

Sk. Toslim Ali

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about six years and five months. It is further submitted inspite of direction given by this court trial has not concluded. Co-accused who pleaded guilty has been awarded a sentence of seven years' imprisonment. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had prayed for adjournments on a number of dates resulting in dilation of trial.
3. We have considered the materials on record. Petitioner is in custody for more than six years. In spite of direction given by this court trial has not concluded as yet. Offences, even if proved, would not attract mandatory life imprisonment. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

4. Therefore, the accused/petitioner, namely **Rajiv Mahato**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Kolkata subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall remain within the municipal limits of the city of Kolkata and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)