

22.11.2023  
Sl. No.25  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4195 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 Sagardighi Police Station Case No.163 of 2018 dated 04.05.2018 under Sections 341/325/326/307/34/302 of the Indian Penal Code. (G.R. Case No.608 of 2018)

And

In Re: ***Ensan Sk. @ Insan Sk.***

... .. Petitioner

Ms. Sabana Hasin  
Mr. Mobaidur Hossain  
Mr. Anisur Rahman

... .. for the petitioner

Ms. Zareen N. Khan  
Mr. Arup Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted there is slow progress in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.
3. We have considered the materials on record. Allegations involve murder and attract mandatory life imprisonment. However, petitioner has suffered incarceration for more than five years and only five witnesses have been examined till date. Prosecution proposes to examine 21 witnesses in all. There is little possibility of trial concluding in the near future. Petitioner has permanent home and hearth and there is no chance of his abscondence. Under circumstances particularly in view of the inordinate delay in trial, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Ensan Sk. @ Insan Sk.***, be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty-five thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad 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 jurisdiction of Sagardighi Police Station and shall report to the Officer-in-charge, Sagardighi Police Station 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.)**