

28.11.2023
Sl. No.43
akd
[ALLOWED]

C. R. M. (DB) 4262 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.10.2023 in connection with Kaliganj Police Station Case No.308 of 2022 dated 17.05.2022 under Section 364A of the Indian Penal Code. (G.R. Case No.4077 of 2023)

And

In Re: **Kasem Sk. @ Chatai @ Kashem Sk.**

... .. Petitioner

Mr. Sabir Ahmed
Mr. Abdur Aziz Mondal
Mr. Tasnim Ahmed
Ms. Suman Biswas
Mr. Dhiman Banerjee

... .. for the petitioner

Md. Anowar Hossain
Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted there is slow progress in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier on merits.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. There is no progress in the matter since then. Under such circumstances and in view of the period of detention suffered by the petitioner, 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 **Kasem Sk. @ Chatai @ Kashem Sk.**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Chief Judicial Magistrate, Nadia at Krishnanagar 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 not leave the jurisdiction of Palashipara Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Palashipara 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.)