

28.11.2023
tkm/ct 28
sl no. 52

C.R.M. (DB) 4296 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kulti P.S case no. 502 of 2021 dated 23.9.2021 under sections 25(1)(a)/1B(a)(c)/(6)/(7)(i)/(8)/26/27(1)/29(a)(b)/35 of the Arms Act read with section 120B IPC and

Allowed

In Re : Ash Mohammad @ Bablu @ Aas Mahmmad @ Ash Mahammad. petitioner

Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. F Imam

..... for the petitioner

Mr. Pradipto Ganguly

..... for the State

1. Petitioner is in custody for 797 days. He contends there is slow progress in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits trial is in progress.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Presently he prays for bail on the ground of delay. Though he is in custody for more than two years, progress in trial is not appreciable.
4. Under such circumstances and in view of the inordinate period of detention suffered by the petitioner 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 Paschim Bardhaman 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 jurisdiction of Kulti and shall report to the Officer-in-Charge of Kulti 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. The application being CRM (DB) 4296 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)