

18.12.2023.
108.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4338 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Netaji Nagar P.S. Case No.48 of 2016 dated 09.02.2016 under Sections 394/397 of the Indian Penal Code and Sections 25(1B)/27 of the Arms Act..

In the matter of : **Aloke Samaddar.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Manas Ds,
Mr. Debapriya Majumder.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dawn.

...for the State.

1. Petitioner is in custody for more than seven years. He contends there is no possibility of trial concluding in the near future. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits 14 witnesses have already been examined. Petitioner has prior conviction.
3. We have considered the materials on record. Offences do not attract mandatory life imprisonment. Petitioner is already in custody for more than seven years. There is no possibility of trial concluding in the near future.
4. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.
5. Accordingly, the petitioner viz., **Aloke Samaddar** shall 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 Chief Judicial Magistrate, South

24-Paraganas at Alipore subject to condition that he 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 petitioner while on bail shall meet the Officer-in-charge, Netaji Nagar Police Station once in a week until further order.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)