

24.11.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4420 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Minakhan P.S. Case No.396 of 2017 dated 25.12.2017 under Sections 498A/304B/302 of the Indian Penal Code.

In the matter of : **Sabirul Khalifa.**

.... Petitioner.

Mr. Ali Ahsan Alamgir,
Mr. Asif Iqbal,
Ms. Soma Mal,
Ms. Rabia Khatun,
Mr. S. A. Munshi.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

1. Petitioner is in custody for about six years. He submits there is slow progress in trial. He renews his bail prayer.
2. Learned Advocate for the State opposes the prayer for bail. He submits trial is in progress.
3. We have considered the materials on record. It is true allegations are serious and involve murder of housewife. But petitioner has suffered incarceration for about six years. Only three out of twenty witnesses have been examined so far. Pace at which prosecution is progressing, is not at all encouraging and infracts the fundamental right to speedy trial of the petitioner. There is no chance of abscondence.
4. In view of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioners viz., **Sabirul Khalifa** 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 Additional Chief Judicial Magistrate, Basirhat, North 24-Paraganas 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.

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.)