

22.12.2023
as/tkm/ct 28
sl no. 19

C.R.M. (DB) 4524 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nodakhali PS case no. 269 of 2012 dated 27.6.2012 under sections 363/376/419 IPC
and

Allowed

In Re : Jakir Mallick @ Dip Halder

..... petitioner

Ms. Sananda Bhattacharyya
Mr. S Chowdhury

..... for the petitioner

Mr. Arijit Ganguly
Mr. Goutam Wilson

..... for the State

1. Petitioner is in custody for 11 years and 5 months. He submits there is inordinate delay in trial.
2. Learned lawyer for the State contends trial is at its fag end.
3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. Further detention of the petitioner will infract his fundamental right to speedy trial. All vulnerable witnesses have been examined.
4. Under such circumstances we are inclined to grant bail to the petitioner.
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 ACJM, Alipore, South 24 Parganas 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.
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) 4524 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)