

19.12.2023
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allowed

CRM(DB) No. 4528 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur Police Station Case No. 387 of 2017 dated 23.12.2017 under Sections 395/397/412 of the Indian Penal Code.

And

In Re : Thakur Nabrang Kumar Singh @ Jacky petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.

Mr. Avik Ghatak

Mr. Saibal Kumar Dasgupta

....for the petitioner

Ms. Zareen N. Khan

Ms. Ratna Ghosh

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. Co-accused has been granted bail on the ground of delay in trial. Accordingly, he prays for bail on parity.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner is in custody for more than five years. Co-accused has been granted bail on the ground of delay in trial. Under such circumstances we are inclined to grant bail to the petitioner on parity.

4. Accordingly, we direct that the petitioner 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, Paschim Bardhaman, on further condition that while on bail petitioner

shall remain within the district of Paschim Bardhaman except for the purposes of investigation and /or attending court proceeding and shall provide address where he shall reside to the investigating agency and shall meet the officer-in-charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

7. Trial court is directed to expedite the trial and conclude the same with utmost expedition without granting unnecessary adjournment to either of the parties.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)