

10.01.2023.
14.
as
(Allowed)

C.R.M. (DB) 4481 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jibantala P. S. Case No.161 of 2019 dated 08.04.2019 under Sections 341/307 of the Indian Penal Code and charge sheet submitted under Sections 341/307 of the Indian Penal Code.

In the matter of : Ajijul Molla.

.... Petitioner.

Mr. Gobinda Chandra Baidya,
Mr. Gobinda Baidya.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. A. S. Chatterjee.

...for the State.

Petitioner is in custody for more than three years. It is contended there is inordinate delay in trial. In spite of direction given by this Court in December, 2022 status report of the petitioner has not been filed.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner has been charged under Section 307 of the Indian Penal Code which does not attract mandatory life imprisonment. There is hardly any progress in the mater.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Ajijul Molla 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, Alipore, South 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.

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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)