

20.12.2023
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allowed

CRM(DB) No. 4577 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally Police Station Case No. 188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34 of the Indian Penal Code and Sections 25(1B)(a)/27 of the Arms Act and Sections 3/5 of the Explosive Substances Act.

And

In Re : Samsad Ali Gayen alias Hasa & Anr. Petitioners

Mr. Angshuman Chakraborty

....for the petitioners

Ms. Anasuya Sinha

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than one year. Co-accused have been granted bail. They pray for bail.

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

3. We have considered the materials on record. Petitioners are in custody for a considerable period of time. There is no possibility of trial concluding in the near future. Co-accused are on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas, subject to conditions that petitioners 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 and on further condition that the petitioners, while on bail they shall not enter the jurisdiction of Entally Police Station except for the purpose of attending court proceedings and shall provide the address where they shall presently reside to the investigating agency as well as the court below and shall report to the Officer-in-Charge of the police station concerned within whose jurisdiction they shall presently reside once in a week until further orders.

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

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)