

20.12.2023
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allowed

CRM(DB) No. 4567 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Topsia Police Station Case No. 68 of 2021 dated 20.05.2021 under Sections 307/34 of the Indian Penal Code and under Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Md. Nazir alias Bachha Kalo petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Arijit Ganguly

Ms. Manisha Sharma

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. There is delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

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

3. We have considered the materials on record. There is delay in trial. Co-accused has been enlarged on bail. Under such circumstances petitioner is entitled to similar relief.

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 Additional Chief Judicial Magistrate, Sealdah, subject to conditions that 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 and on further condition that the petitioner shall not leave the jurisdiction of Entally Police Station except for the purpose of attending court proceedings and shall appear before the Officer-in-Charge of the Entally Police Station once in a week until further orders.

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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)