

20.12.2023
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allowed

CRM(DB) No. 4652 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 76 of 2023 dated 20.02.2023 under Sections 448/342/376/506 of the Indian Penal Code.

And

In Re : Kauser Ali @ Kousar Ali @ Raja Babu @ Raja Baba..... Petitioner

Mr. Mrityunjoy Chatterjee

....for the petitioner

Mr. Bibaswan Bhattacharya

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than ten years. There is no progress in trial. He prays for bail.

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

3. We have considered the materials on record. Though allegations are grave there is no progress in the matter since rejection of bail by this Court. Petitioner is in custody for about one year. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Chandernagore, Hooghly, 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.

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.)