

21.12.2023
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allowed

CRM(DB) No. 4736 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 1135 of 2019 dated 19.08.2019 under Sections 395/397 of the Indian Penal Code and under Sections 25/27 of the Arms Act.

And

In Re : Rafik Gazi alias Rafiq Gazi alias Rafique Gazi

..... petitioner

Mr. Pronojit Roy
Mr. Ashutosh Mandal

....for the petitioner

Ms. Zareen N. Khan
Mr. A. E. Mollah

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and six months. On the ground of delay in trial co-accused have been enlarged on bail. 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 three years and six months. On the ground of delay in trial co-accused have 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, Baruipur, to comply with the provisions of Section 437(3) of the

Code of Criminal Procedure. The petitioner shall appear before the learned trial court on every date till the conclusion of trial.

5. In the event the petitioner fails to comply with any of the conditions mentioned hereinabove, it would be open to the trial court to cancel the bail without any further reference to his Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)