

08.01.2024

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Allowed

C.R.M. (DB) No. 28 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Sadar Police Station Case No. 97 of 2021 dated 11.06.2021 under Section 394 of the Indian Penal Code and Sections 25/27 of the Arms Act and charge-sheet submitted under Sections 394/412 of the Indian Penal Code read with Section 25(1)(a) of the Arms Act.

And

In Re : Chandan Gorai @ Babu ..... petitioner

Mr. R. Mukherjee

Mr. A. Roy

.....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Santanu Deb Roy

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two and half years. It is also submitted that there is delay in trial. In spite of direction given by this Court earlier there is slow progress in the matter. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits trial is in progress.

3. We have considered the materials on record. Petitioner is in custody for more than two and half years. In spite of direction given by this Court trial has not progressed at an appreciable pace. Delay in the matter cannot be

attributed to the defence. 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 Chief Judicial Magistrate, Bankura, subject to condition that petitioner 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.

5. In the event 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.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**