

15.01.2024.
60.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 90 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with West Port P.S. Case No.313 of 2017 dated 27.12.2017 under Sections 394/397 of the Indian Penal Code.

In the matter of : **Mazhar Khan & Anr.**

.... Petitioners.

Mr. Antarikhya Basu,
Ms. Madhumita Basak.

...for the Petitioners.

Mr. Partha Pratim Das,
Ms. Ayantika Roy.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Petitioners are in custody for more than five years. There is delay in trial. Co-accused have been granted bail on the ground of delay in trial.
3. Under such circumstances, we are inclined to extend the same privilege to the petitioners subject to conditions.
4. Accordingly, the petitioners viz., **Mazhar Khan and Wahid Hossain** 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 Chief Judicial Magistrate, Alipore, South 24-Paraganas subject to condition that they 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 and on further condition that the

petitioners, while on bail, shall remain within the district of South 24-Paraganas and shall provide the address where he shall present reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge, West Port Police Station once in a week until further orders.

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

6. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)