

08.03.2024
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allowed

CRM(DB) No. 71 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Entally Police Station Case No. 188 of 2021 dated 17.05.2021 under Sections 307/324/323/427/34/114 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act read with Sections 3/5 of the Explosive Substances Act and subsequently charge-sheeted under Sections 307/324/323/427/34 of the Indian Penal Code read with Sections 25(1B)(a)/27 of the Arms Act.

And

In Re : Md. Kalu @ Kalo petitioner

Mr. Debapriya Majumder

....for the petitioner

Mr. Prasun Kumar Dutta

Ms. Trina Mitra

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted he has not contributed to the delay. Presently court lying vacant. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits prosecution is not responsible for the delay. Delay was due to adjournment prayer by co-accused who are on bail.

3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. Trial has already commenced. Petitioner has not contributed to the delay. Delay was engineered at the behest of the co-accused who are on bail. Offences, if proved, would not attract mandatory life

imprisonment. Under such circumstances we are of the opinion petitioner may be released on bail.

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 District & Sessions Judge, 1st Fast Track Court, Sealdah, South 24 Parganas, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)