

01.02.2024.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 222 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Sadar P.S. Case No.97 of 2021 dated 11.06.2021 under Section 394 of the Indian Penal Code read with 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.

In the matter of : **Asadul Seikh @ Ashadul Seikh.**

.... Petitioner.

Mr. Arkaprabh Roy,
Mr. Anish Roy,
Mr. Rhiddhiman Mukherjee.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Ms. Ayantika Roy.

...for the State.

1. Report is placed on record.
2. Petitioner is in custody for over two years and seven months. He submits there is delay in trial. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the bail prayer. He contends 19 witnesses have already been examined.
4. We have considered the materials on record. Offences, even if proved, would not attract mandatory life imprisonment. Petitioner is in custody for a considerable period of time. Official witnesses are left to be examined and there is no possibility of their being won over.
5. Under such circumstances and in view of protracted under trial detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Asadul Seikh @ Ashadul Seikh** 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 he 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.

7. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)