

19.02.2024
Sl. No.47
akd
[ALLOWED]

C. R. M. (DB) 429 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.02.2024 in connection with Hirapur Police Station Case No.06 of 2022 dated 07.01.2022 under Sections 341/304/34 of the Indian Penal Code. (G.R. Case No.94 of 2022)

And

In Re: ***Pradip Tantubai @ Fuchan & Anr.***

... .. Petitioners

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly

... .. for the petitioners

Mr. Pinak Kumar Mitra

... .. for the State

1. Petitioner no.1 is in custody for about two years and petitioner no.2 is in custody for about one year and seven months.
2. It is submitted on behalf of the petitioners that there is slow progress in trial. Co-accused have been enlarged on bail. Accordingly, they renew their prayer for bail.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record. Petitioners are in custody for a considerable period of time. Materials on record show petitioners and others were unarmed and incident occurred in course of a quarrel. There is hardly any progress in the matter since rejection of bail by this court. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
5. Therefore, the petitioners, namely ***(1) Pradip Tantubai @ Fuchan & (2) Kapil Tantubai***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that the said petitioners 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.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)