

11.03.2024
16
sdas
allowed

CRM(DB) No. 450 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga Police Station Case No. 528 of 2021 dated 07.10.2021 under Sections 395/397/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And
In Re : Bishu Ghosh petitioner

Mr. Kamalesh Chandra Saha
Ms. Payel Mitra
.....for the petitioner

Mr. Neguive Ahmed, learned APP
Mr. Shiladitya Banerjee
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and five months. It is also submitted there is inordinate delay in trial. Petitioner prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits eight out of twenty witnesses have been examined.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Though eight witnesses have been examined prosecution proposes to examine twenty witnesses in all. There is little possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. 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 Additional Chief Judicial Magistrate, Barasat, North 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.

7. Parties shall co-operate with the trial and communicate this order to the trial court.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)