

20.03.2024
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allowed

CRM (DB) No. 549 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. 214 of 2016 dated 14.05.2016 under Sections 341/326/307/436 of the Indian Penal Code and charge-sheet submitted under Sections 341/436/302 of the Indian Penal Code.

And
In Re : Alamin Mondal petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha
.....for the petitioner

Mr. Joydeep Roy
Ms. Purnima Ghosh
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than seven years. It is also submitted there is slow progress in trial. Accordingly he prays for bail.

2. During hearing of the bail application learned Public Prosecutor apprised the Court, schedule had been fixed for examination of the witnesses on 14th and 15th March, 2024. To test the bonafides of the prosecution we adjourned the hearing of the matter till 20th March, 2024.

3. Report placed before us shows no witnesses had been examined during the aforesaid schedule. This shows indifferent attitude of the prosecution to conduct trial expeditiously. Though allegations are serious, petitioner is in custody for more than seven years. Petitioner is not responsible for the delay in trial. Accordingly, 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 Chief Judicial Magistrate, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)