

29.02.2024
tkm/ct 28
sl no. 61

C.R.M. (DB) 542 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raniganj P.S case no. 297 of 2019 dated 19.8.2019 under sections 279/304A IPC charge sheet submitted under sections 302/201/120B IPC and sections 25/27/34 of the Arms Act
and

Allowed

In Re : Shankar Prasad Sharma

... petitioner

Mr. A Chakraborty
Mr. S S Saha

..... for the petitioner

Mr. S Bapuli
Mr. Arup Sarkar

..... for the State

1. Petitioner is in custody for more than four years. Co-accused are on bail. It is contended no witness has been examined till date. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He submits improvised pipe gun was recovered from the tenanted premises of the petitioner. One of the co-accused has absconded which contributed to the delay.

3. We have considered the materials on record. Petitioner is in custody for more than four years. Case is based on circumstantial evidence. Co-accused are on bail. In spite of direction given by this court to conclude trial expeditiously, no witness has been examined till date. There is hardly any progress since last rejection of bail by this court. Petitioner has suffered detention for a considerable period of time. There is no possibility of concluding the trial in the near future.

4. Under such circumstances we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 judge Special Court (Electricity Act) cum Additional District Judge, Asansol, Paschim Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Asansol P.S and shall report to the Officer-in-Charge of Asansol police station once in a week until further orders.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (DB) 542 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)