

07.03.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 571 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.02.2024 in connection with Jalangi Police Station Case No.47 of 2020 dated 30.01.2020 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Rinku Sk.***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier by this court as well as the Hon'ble Apex Court.
3. We have considered the materials on record. Statements of witnesses implicate the petitioner and co-accused. Co-accused have been enlarged on bail. Bail prayer of the petitioner was rejected earlier on the ground that he had absconded. Thereafter, he is in custody for more than a year and trial has not commenced. Delay in the matter cannot be attributed to the petitioner. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Rinku Sk.***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be

local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore subject to condition that the said petitioner 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)