

04.03.2024
tkm/ct 28
sl no. 41

C.R.M. (DB) 678 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dhubulia P.S case no. 217 of 2022 dated 7.6.2022 under sections 364A/34 IPC
and

Allowed

In Re : Arshad Ali Biswas

... petitioner

Mr. Asraf Mondal
Md. Bani Israil

..... for the petitioner

Mr. S S Imam
Ms. Debjani Sahu

..... for the State

1. Petitioner is in custody or 636 days. He submits that there is no development in the case since rejection of bail by this court.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Though bail prayer of the petitioner was rejected earlier on merits, there is no progress in the matter. Petitioner is not responsible for the delay.
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 CJM Nadia 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.
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) 678 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)