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CRM(DB) No. 796 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 177 of 2018 dated 04.07.2018 under Sections 395/397 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

In Re : Jai @ Jay Sahani And
..... Petitioner

Mr. Apurba Kumar Datta
....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. S. Saha
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for about four years. It is also submitted there is inordinate delay in trial. Co-accused is on bail. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial is at its fag end.

3. In reply, learned Counsel for the petitioner submits he was not identified by any of the witnesses during trial.

4. We have considered the materials on record. Petitioner is in custody for a considerable period of time. None of the witnesses identified him during trial. Though it is contended there are fingerprint and other forensic reports implicating the petitioner in view of the materials on record and protracted period of detention, we are inclined to grant bail to him.

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, Asansol, Paschim Bardhaman, on further condition that the petitioner shall remain within Paschim Bardhaman and shall report to the officer-in-charge of Asansol (North) once in a week until further orders. 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.)