

13.03.2024
34
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allowed

CRM(DB) No. 804 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Budge Budge Police Station Case No. 35 of 2019 dated 19.02.2019 under Sections 447/326/307/34 of the Indian Penal Code and Sections 25(i)(a)/27 of the Arms Act and Sections 4/5 of the Explosive Substances Act.

And
In Re : Kamal Khan petitioner

Mr. Niladri Sarkar Ghosh
Mr. Pradip Kumar Kundu
Mr. Tapodip Gupta
Sk. Abdus Salam
....for the petitioner

Mr. Arijit Ganguli
Ms. Baishakhi Chatterjee
.... for the State

Mr. Soumya Nag
Mr. Aditya Tiwari
.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for more than five years. There is inordinate delay in trial. Co-accused have been enlarged on bail. He prays for bail.

2. Learned Counsel for the State produces the Case Diary.

3. Learned Counsel for the de facto complainant submits witnesses are being threatened.

4. We have considered the materials on record. On the score of delay bail prayer of the co-accused have been enlarged on bail. Petitioner stands on the same footing with the co-accused.

Hence, we are inclined to grant bail to the petitioner subject to similar terms and conditions.

5. 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, Alipore, South 24 Parganas, on further condition that petitioner while on bail shall not enter the Budge Budge Police Station and shall provide address where he shall presently reside to the investigating officer and learned court below and he shall report to the Officer-in-Charge of the concerned police station 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 witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)