

26.04.2024
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 1072 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.03.2024 in connection with Dholahat Police Station Case No.268 dated 26.07.2021 under Section 302 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/201 of the Indian Penal Code. (G.R. Case No.1455 of 2021)

And

In Re: **Sarauddin Paik**

... .. Petitioner

Mr. Ayan Basu
Mr. Sandip K. Mondal
Mr. Sumit Routh
Ms. Tanusri Das

... .. for the petitioner

Mr. Suman De
Mr. Asraf Mandal

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and four months. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record. Vulnerable witness i.e. the daughter of the deceased has been examined. The case is based on circumstantial evidence. There is little possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sarauddin Paik**, 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 Additional Chief

Judicial Magistrate, Kakdwip, South 24-Parganas 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.

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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)