

C. R. M. (DB) 1208 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.04.2024 in connection with Chapra Police Station Case No.01 of 2020 dated 03.01.2020 under Sections 302/201/120B of the Indian Penal Code and Sections 25(i)(a)/27 of the Arms Act.

And

In Re: **Maidul Sk. @ Mahidul Sk.**

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Sayanti Santra
Ms. Sima Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is no direct evidence connecting the petitioner with the murder. There is no possibility of trial concluding in the near future. 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. Report shows vulnerable witnesses have already been examined. The case is based on circumstantial evidence. Sixteen more witnesses are yet to be examined. Allegations are serious and shall attract life imprisonment, if proved. However, in view of the protracted period of detention suffered by the petitioner and as there is no possibility of trial concluding in the near future, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely **Maidul Sk. @ Mahidul 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, Nadia at Krishnanagar 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 and on further condition that the petitioner, while on bail, shall remain within the jurisdiction of Chapra Police Station and shall report to the Officer-in-charge, Chapra Police Station once in a week until further orders.
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.)