

22.04.2024
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allowed

CRM (DB) No. 1229 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 664 of 2022 dated 27.08.2022 under Sections 302/34 of the Indian Penal Code.

In Re : Sadhan Modak
And
..... petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Pradip Kumar Tarafdar
Mr. Satadru Lahiri
Mr. Safdar Azam
Mr. Syed Wasim Faruque
Mr. Jyotirmoy Talukder
....for the petitioner

Ms. Sreyashi Biswas
Ms. Ankita Paul
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and three months. It is also submitted there is no progress in the matter since rejection of bail by this Court. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had participated in the assault resulting in death of the victim. Co-accused were enlarged on bail in view of the fact that they are women folk.

3. We have considered the materials on record. Statements of the witnesses implicate the petitioner in the trial. His bail prayer was rejected earlier on merits. However, he is in custody for more than one year and there is no progress in the trial since rejection of bail by this Court in July, 2023. Under

such circumstances and as there is no possibility of abscondence, we are inclined to grant bail to the petitioner.

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, Krishnanagar, subject to conditions that 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.)