

08
10-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1772 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Rajarhat Police Station** Case No. **296 of 2022** dated **21.09.2022** under Sections **302/120B** of the Indian Penal Code and Section 35 of the Arms Act.

- A n d -

In the matter of : Sk Kamal Hossain @ Raja @ Birbal @ Kamal Hassan

.... Petitioner.

Mr. Soumyajit Das Mahapatra,

... For the petitioner.

Mr. Suman De,
Ms. P. Priyadarshee,

... For the State.

The petitioner is in custody for one year and ten months.

Witness action has not yet begun. We are told that there are 58 charge sheet named witnesses. The petitioner says that there is no certainty as to when the trial will conclude. He prays for bail.

Learned Advocate for the State while opposing the prayer for bail, draws our attention to the material in the case diary. He submits that the petitioner is a 'supari killer'. He orchestrated the murder of the victim. A pistol was recovered on the basis of leading statement made by the petitioner. The prayer for bail should be rejected.

We do not see what the connection between the pistol and the death of the victim is since no shooting was involved in the alleged incident. In any event we find that there is inordinate delay in the progress of the trial. There is no possibility of an early

conclusion of the trial. Already the petitioner is in incarceration for one year and ten months.

Purely on the ground of delay in the progress of the trial, we are inclined to allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Sk Kamal Hossain @ Raja @ Birbal @ Kamal Hassan**, 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 Additional Sessions Judge, 3rd Court, Barasat, North 24 Parganas and on further conditions that he shall not leave the territorial limits of North 24 Parganas and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)