

31.
02-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1827 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kulpi Police Station Case No.202 of 2021 dated 06-07-2021 under Sections 302/201/120B/34 of the Indian Penal Code.

- A n d -

**In the matter of : Rakib Hossain Sardar @ Rakib Sardar
@ Rakib Sarder**

.... Petitioner.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Ms. Susmita Ghorai,
Mr. Safiqul Islam

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. Atanu Ghosh

... For the State.

The petitioner is one of seven accused persons. Charge sheet has been submitted under Sections 302/201/120B/34 of the Indian Penal Code.

The petitioner says that he is in custody for almost three years. He stands on the same footing or better footing than other co-accused persons who have been enlarged on bail. He claims parity apart from arguing that due to the inordinate delay in progress of the trial, he should be granted bail.

Learned advocate for the State, while opposing the prayer for bail, draws our attention to the material in the Case Diary including the statements recorded under Section 164 of the Code of Criminal Procedure. From at least one such statement, we find that apart from the petitioner, other accused persons have been implicated, who, we are told, are

out on bail. In fact, the person who has been named as administering the fatal blow, is also out on bail.

Six out of twenty witnesses have been partly examined. There is no possibility of early conclusion of the trial.

We also find that the petitioner is similarly circumstanced if not better circumstanced than other co-accused persons, who have been granted bail.

In view of the aforesaid and considering that the petitioner is in custody for quite some time, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Rakib Hossain Sardar @ Rakib Sardar @ Rakib Sarder**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Diamond Harbour. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1827 of 2024 is, thus, **allowed**.

Since the trial is pending for quite some time, we request the learned trial Court to proceed with the trial as expeditiously as possible and conclude the same at the earliest without granting unnecessary adjournment to either of the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)