

42. 02.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1881 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Chanditala Police Station Case No. 375 of 2022**, dated **03.08.2022** under Sections **341/326/307/34** of the Indian Penal Code,. Charge-sheet under Sections **341/326/307/34** of the Indian Penal Code.

And

In the matter of: - **Sk. Sohel @ Sk. Soyel**

...petitioner.

Mr. Mahfuzus Salam Mollah, Adv.

...for the petitioner.

Mr. Partha Pratim Das, Adv.,

Mr. Santanu Deb Roy, Adv.

...for the State.

The petitioner is in custody for quite some time. Only one out of fifteen witnesses has been examined. The charges are of attempted murder and causing grievous bodily harm. The petitioner says that he is in custody for 650 days. There is no possibility of an early conclusion of the trial. 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 including the medical report. We have also seen statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973.

On an overall consideration of the facts and circumstances of the case, the nature and gravity of the charge and the possible extent of complicity of the petitioner in the alleged offence and keeping in mind that investigation is complete and the trial is in progress, although at a slow pace, we

are of the view that further detention of the petitioner in custody is not necessary.

Accordingly, we direct that the petitioner, namely, **Sk. Sohel @ Sk. Soyel** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, subject to condition that the present petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, 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 any justifiable cause, the learned 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 being CRM (DB) 1881 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)