

09.07.2024
Item no. 65.
Court No.28.
AB
(Allowed)

CRM (DB) 1938 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kanksa Police Station Case No.184 of 2018 Dated 14.06.2018 under Sections 302 120B/34 of the Indian Penal Code

And

**In the matter of : Sk. Abul Kalam @ Sk. Abu Kalam
@ Abu Kalam @ Abul Kalam**

.....Petitioner.

Mr. Ayan Basu,
Sk. Salim
Mr. Sumit Routhfor the Petitioner.

Mr. Ranabir Roychoudhury
Ms. Jonaki Sahafor the State.

The petitioner is in custody for more than six years. Charge sheet was filed in the year 2018. Charge was framed in the year 2019. Since then, five years have elapsed. We are told that 5 out of 28 witnesses have been examined so far.

The State opposes the prayer for bail. Learned Advocate says that there is sufficient incriminating evidence against this petitioner. All efforts will be made to bring the trial to an early conclusion.

We find orders of Coordinate Benches expediting the trial at least on two occasions. Such orders have unfortunately been, in vain. The petitioner is in incarceration for a very long period of time. There is no possibility of an early conclusion of the trial.

Solely on the ground of inordinate delay in progress of the trial, we grant bail to the petitioner on stringent conditions.

Accordingly, we direct that the petitioner, namely **Sk. Abul Kalam @ Sk. Abu Kalam @ Abu Kalam @ Abul Kalam** 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 Chief Judicial Magistrate, Durgapur, and on further conditions that he shall not leave the jurisdiction of the concerned police station 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

