

12.11.2024

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Allowed

CRM (DB) No. 3622 of 2024

In Re:- An application for bail under Section 483 of the BNSS in connection with Ballygunj Police Station Case No. 15 dated 30.01.2011 under Sections 302/394 of the Indian Penal Code.

And

In Re : Abhishek Shaw @ Kallo @ Vicky petitioner

Ms. Trina Mitra

.....for the petitioner

Mr. Sandeep Chakraborty

Mr. Atulya Sinha

....for the State

1. Learned Counsel for the petitioner submits he is in custody for thirteen years. Trial has not concluded. He renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits trial is at a matured stage. Date for examination of accused under Section 313 of Code of Criminal Procedure has been fixed.

3. We have considered the materials on record. Allegations are serious but petitioner is in custody for thirteen years. Trial has not concluded. Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.

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, Alipore, on further conditions that while on bail petitioner shall remain within the jurisdiction of Ballygunj Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in -Charge of the concerned Police Station once in a week until further orders. 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.)