

11.01.2024.
46.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4518 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.52 of 2021 dated 12.01.2021 under Sections 489B/489C/120B of the Indian Penal Code and Sections 25(i)(a)/27/35 of the Arms Act.

In the matter of : **Santosh Kr. Singh.**

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Imdadul Hoque.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

1. Petitioner is in custody for more than three years. He contends trial has not commenced. Accordingly, he prays for bail on the ground of delay.
2. Learned Advocate for the State contends Fake Indian Currency Notes (for short FICNs) valued at Rs.84,000/- and firearms were recovered.
3. We have considered the materials on record. Allegations, even if proved, would attract at its height term imprisonment. Petitioner is in custody for more than three years. Trial has not commenced.
4. Under such circumstances, we are of the opinion petitioner is entitled to bail on the ground of inordinate delay in trial.
5. Accordingly, the petitioner viz., **Santosh Kr. Singh** 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, Chanchal, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)