

15.01.2024
tkm/ct 28
sl no. 46

C.R.M. (DB) 4655 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagatballavpur PS case no. 235 of 2015 dated 17.9.2015 under sections 302/34 IPC
and

Allowed

In Re : Bhanu Dalui @Dolui

..... petitioner

Mr. S Basu Roy Chowdhury

..... for the petitioner

Mr. Swapan Banerjee

Ms. Mamata Jana

..... for the State

1. Petitioner is in custody for more than six years. He submits there is inordinate delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Vulnerable eye-witness has already been examined. There is no possibility of trial concluding in the near future and there is no chance of abscondence.
4. Under such circumstances we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application being CRM (DB) 4655 of 2023 is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)