

3. We have considered the materials on record. The case involves mob violence between political groups. It is alleged an irate mob attacked a party office and thereafter the residence of the deceased. FIR was lodged at the local police station wherein nobody was named. Owing to faction politics it is possible that the State police did not record the names of the assailants but the statement of mother of the victim was recorded before Magistrate does not name the petitioners as the assailants. Even in her deposition before Court apart from making general allegations no specific overt act is attributed to the petitioners. We have taken into consideration the statement of the brother of the victim before Magistrate. Though in his statement petitioners have been named, allegations against them are general and omnibus. Analysis of prior statements of these two eyewitnesses show a dichotomy with regard to involvement of the petitioners.
4. Apart from the aforesaid lacunae, petitioner has also make out a case for bail on the score of delay in trial. They are in custody for more than two and half years and proceedings have been stayed at the behest of the CBI before the Hon'ble Apex Court. On repeated queries nothing is placed on record to show that the petitioners had threatened witnesses during trial.
5. Under such circumstances, we are constrained to enlarge the petitioners on bail subject to conditions.
6. Accordingly, 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 Additional Sessions Judge, 1st Court, Sealdah, South 24 Parganas subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner

whatsoever. On further condition while on bail petitioners shall not enter the Municipal limits of the city of Kolkata and provide address where they shall reside to the Investigating Agency and the Court below. They shall report to the Officer-in-charge of the jurisdictional police station where they shall reside. They shall not contact with the prosecution witnesses directly or indirectly via electronic means, until further orders.

7. In the event petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their bail without any further reference to this Court.

8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)