

395/120B/412 Of The Indian Penal Code. ... vs In Re: Amarendra Kumar Singh @ Amar Singh ... on 8 April, 2024

08.04.2024

Sl. No.25

akd

[ALLOWED]

C. R. M. (DB) 900 of 2024

In Re: An application for bail under Section 439 of the Criminal Procedure Code filed on 14.03.2024 in connection with Asansol Police Station Case No.351 of 2021 dated 11.09.2021 under Section 395/120B/412 of the Indian Penal Code. (G.R. Case No.24 of 2024)

And

In Re: Amarendra Kumar Singh @ Amar Singh @ Pahalwan

... ..

Mr. Sekhar Kumar Basu .. Sr. Advocate

Mr. Sanathan Dhara

Mr. Avik Ghatak

Mr. Fahad Imam

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

Mrs. Manasi Roy

... .. for the State

1.

It is submitted on behalf of the petitioner that he is in custody for about two years and three months. It is further submitted there is delay in trial. Only one witness has been examined till date. Presently Presiding Officer is absent. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and submits petitioner is the conspirator. He along with others committed robbery in the office of a finance company. Bail prayer of the petitioner was rejected by this court as well as the Hon'ble Apex Court. He has criminal antecedents.

3. We have considered the materials on record. It is alleged petitioner and co-accused committed robbery in the office of a finance company. Bail prayer of the petitioner was rejected earlier on merits by this court. The Hon'ble Apex Court by order dated 12.05.2023 rejected his bail prayer. However, petitioner was given liberty to apply for bail after six months. Thereafter, about ten months have lapsed and only one witness has been examined till date. Signed By :

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4. Learned Advocate for the State contends delay was on the count co- accused were being tried in another court.

5. Be that as it may, petitioner has suffered detention for a considerable period of time. He was not present at the place of occurrence. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

6. Therefore, the accused/petitioner, namely Amarendra Kumar Singh @ Amar Singh @ Pahalwan, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not leave the district of Paschim Bardhaman except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge, Asansol (South) Police Station once in a week until further orders.

7. 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.

8. The application for bail, thus, stands allowed. (Prasenjit Biswas, J.) (Joymalya Bagchi, J.) Signed By :

ARUP KUMAR DAS High Court of Calcutta

9 th of April 2024 11:43:43 AM Signed By :

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