

04.12.2020
Court No.3
SL No.23
AP

CRM 9830 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Santipur** P.S. Case No.**126 of 2014** dated **26.03.2014** under Sections **302/447/326/307/34** of the Indian Penal Code and Sections **25/27** of the Arms Act.

And

In the matter of: **Rajesh Dutta alias Kalu**

....Petitioner.

Mr. Sumanta Das

...for the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,

Mr. Soumik Ganguli

...for the State.

Liberty is granted to the learned advocate-on-record to correct the cause title of the petition/application and amend the same in course of the day.

It is submitted on behalf of the petitioner that he is in custody for more than six years and there is inordinate delay in conclusion of trial.

Learned lawyer for the State opposes the prayer for bail and submits that the matter is fixed for examination of the accused under Section 313 of the Code of Criminal Procedure.

We have considered the materials on record. Although the allegations are grave but one cannot lose sight of the fact that the right of the petitioner to speedy trial has been severely infringed and he is in custody for an inordinate period of time. In view of the aforesaid state of affairs, we are inclined to grant bail to the petitioner subject to strict conditions.

Let the petitioner be released on bail upon furnishing a Bond of Rs.50,000/- (Rupees Fifty Thousand Only), with two sureties of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that

during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner 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 jurisdiction of Santipur Police Station until further orders except for the purposes of investigation and/or for attending the court proceedings and shall meet the officer-in-charge of Santipur Police Station once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)