

02.12.2021

Item No.1

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 209 of 2021

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Nagrakata PS Case No. 71 of 2012 dated 9.5.2012 under Section 376 of the Indian Penal Code.

And

In the matter of : **Amar Sutradhar**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik

... for the petitioner

Mr. A. S. Chakraborty

Mr. S. S. Sikdar ... For the State.

Learned Advocate for the petitioner submits that the petitioner was arrested on 10.5.2012 and till date he is in custody for more than nine years and the trial of the case is yet to be completed. Learned Advocate further submits that the delay has been caused at the instance of the prosecution and other systemic delays where the accused hardly contributed to the same.

The Learned Additional Public Prosecutor submits a report which provides list of dates reflecting the manner in which the witnesses were produced before the Learned Trial Court.

We find that there was a gap of seven years from completing the examinations of P.W.5 and P.W.6 which can only be contributed to systemic delays along with the witnesses not being present on majority occasion.

Although the trial is at the advanced stage as out of 44 witnesses, 37 witnesses have been examined, but having regard to the period of detention of the present petitioner, we are of the opinion that further detention of the petitioner is unwarranted.

Accordingly, we direct that the petitioner, namely **Amar Sutradhar** shall 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, Jalpaiguri and on further condition that the petitioner, shall not leave the jurisdiction of Nagrakata Police Station without the permission from the Inspector-in-charge of the Nagrakata Police Station except for the purposes of attending the Court.

The Learned Trial Court is further directed that in case the petitioner is absent without any substantial reason, the learned Trial Court would be at liberty to cancel the bail of the petitioner without further reference to this Court.

The Learned Trial Court would fix schedule on each and every month at least of five dates in a month and take efforts for completing the trial by June, 2022.

The Report submitted by the Inspector-in-Charge, Nagrakata Police Station be kept with the record.

The Inspector-in-Charge of Nagrakata Police Station is present in Court. His personal appearance stands dispensed with.

The application for bail, being CRM 209 of 2021, is, thus, disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)