

10.02.2022

Sl. 31

Court No.29

suvayan

(Allowed)

C.R.M. (DB) 55 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.01.2022 in connection with S.C. Case No. 04 (03) of 2017 arising out of **Kalyani** P.S. Case No. **675 of 2016** dated **28/11/2016** under Sections **341/326/307/120B/34** of the Indian Penal Code read with Sections **25/27** of the Arms Act.

And

In the matter of: Babu Roy @ Bapi Roy

....petitioner

Mr. Mrityunjoy Chatterjee

...for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Ashok Das

Mr. Mainak Gupta

...for the State.

Petitioner seeks bail.

The application for bail is taken up for consideration subsequent to the order dated January 28, 2022.

By such order, a report was called for from the State as to the progress of the trial since April 13, 2021.

Learned Advocate appearing for the State submits that he was supplied with the dates of trial. There is no report.

However, he submits that there was no progress in the trial subsequent in April 13, 2021. Out of twelve prosecutions witnesses only eight were examined and that no witnesses were examined subsequent to April 13, 2021.

The petitioner is in custody for a period in excess of 5 years and 2 months. The petitioner makes out the case for grant of bail on the ground of breach of rights recognized under Article 21 of the Constitution of India. There is hardly any progress of trial subsequent to April 13, 2021.

In such circumstances, it would be appropriately to enlarge

the petitioner on bail.

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 Additional District Judge, Kalyani, Nadia subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being C.R.M. (DB) 55 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)