

16.06.2022
SL No.37
Saswata
Ct.28
(Allowed)

CRM (DB) 1734 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bhadreswar** P.S. Case No. **100/2017** dated **16.03.2014** under Sections **3636/364/302/201** of the **Indian Penal Code**.

And

In the matter of: **Mukesh Roy**

....Petitioner

Mr. Debasis Kar

Mr. Soumen Ghosh

...for the Petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Petitioner is in custody for more than 8 years. There is very slow progress in the trial of the case.

Learned lawyer for the State opposes the prayer for bail and submits one witness has been examined.

We have considered the materials on record. Allegation against the petitioner is grave. However, there is inordinate delay in progress of the trial which infracts fundamental right to speedy trial of the petitioner under Article 21 of the Constitution of India. The petitioner has not contributed to the delay in any manner.

In view of the aforesaid facts, we are of the opinion further detention of the petitioner, as an undertrial prisoner, would be unjustified and he may be granted bail.

The prayer for bail is, thus, allowed.

Let the petitioner be released on bail upon furnishing a Bond of Rs. 20,000/-, with two sureties of like amount each one of whom must be local, to the satisfaction of the Learned ACJM, Chandannagore, Hooghly subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever with further condition that

the petitioner while on bail shall not leave the jurisdiction of Jagaddal Police Station and report the Officer-in-charge of Jagaddal police station once in a week or 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, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)