

17.06.2022
cm/ct 28
sl no. 44

C.R.M. (DB) No. 1811 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Santipur P.S Case No. 358 of 2016** dated **01.08.2016** under Section **376(I)** of the Indian Penal Code.

And

Allowed

In Re : Kartick Jamader @ Kartick Jamadar @ Dom
..... petitioner

Mr. Khalid Hasan
..... for the petitioner

Mr. Sudip Ghosh
..... for the State

Petitioner is in custody for six years. It is contended there is slow progress in the trial of the case.

Learned advocate appearing for the State submits trial is in progress.

We have considered the materials on record. Allegations against the petitioner are grave. However, there is inordinate delay in the trial of the case which infracts the petitioner's fundamental right to speedy trial.

Balancing the gravity of the offence on the one hand against the right to speedy trial of the petitioner on the other hand, we are of the opinion further detention of the petitioner is not justified and he may be released on bail.

Accordingly, the petitioner be released on bail upon furnishing bonds 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 & Session Judge, Ranaghat, Nadia on condition that the petitioner shall appear before the trial court on every date

of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.

The application being CRM(DB) No.1811 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)