

23.08.2022  
cm/ct 28  
sl no. 32

**C.R.M. (DB) 2817 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Park Street P.S. Case No. 164 of 2003 dated 05.06.2003 under Section 307/34 of the Indian Penal Code read with 25(1B)(a)/27 of the Arms Act read with Section 3 and 5 of the Explosive Substances Act.

**Allowed**

In Re : Sabir Alam @ Ullu Raju.

..... petitioner

Md. Shahjahan Hossain  
Ms. Sanjida Sultana

..... for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.  
Ms. Sonali Das  
Ms. Sreeparna Das

..... for the State

Petitioner is in custody for 15 years. He submits there is inordinate delay in trial. He had absconded for a protracted period of time.

Learned lawyer for the State opposes the prayer for bail. He submits trial is at its fag end.

We have considered the materials on record. Inordinate delay in conducting trial has resulted in under-trial detention for more than 15 years. Even if the abscondence of the petitioner is taken into consideration, such delay is inexcusable particularly when it relates to non-examination of the official witnesses like investigating officer.

Under such circumstances, we are constrained to hold fundamental right of the petitioner to speedy trial has been infringed and he is entitled to grant bail on such score.

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 Chief Metropolitan Magistrate, Calcutta 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 and petitioner while on bail shall remain within the Municipal limits of Calcutta except for the purpose of attending court proceedings and shall report to the Officer-in-Charge of Park street police station once in a week until further orders.

In the event petitioner 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. 2817 of 2022 is disposed of.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**