

11.11.2022  
Sl. No.10  
**akd**  
[ALLOWED]

**C. R. M. (DB) 3254 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.09.2022 in connection with Chanditala Police Station Case No.220 of 2011 dated 27.09.2011 under Section 396 of the Indian Penal Code read with Sections 25/27 of the Arms Act and supplementary charge-sheet submitted under Sections 396/412 of the Indian Penal Code.

And

In Re: ***Manoj Mazumder***

... .. Petitioner

Mr. Pritam Roy

Mr. Soewel Bhattacharjee

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Mr. Dipankar Pramanick

... .. for the State

Pursuant to our earlier direction, Officer-in-charge, Chanditala Police Station, Hooghly Rural is personally present before this court. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that he is in custody for more than nine years.

In terms of our earlier order dated 04.11.2022, learned Additional Public Prosecutor submits report. From the report it appears eight more witnesses are to be examined.

We have considered the materials on record. Prosecution witnesses examined till date have not identified the petitioner. Co-accused has been enlarged on bail. Petitioner has suffered detention for more than nine years. There is little possibility of the trial concluding in the near future. In view of the aforesaid circumstances, we are of the opinion there is inordinate delay in the trial which has infringed his right

to speedy trial enshrined under Article 21 of the Constitution of India. Accordingly, we are inclined to enlarge the petitioner on bail.

Therefore, the accused/petitioner, namely ***Manoj Mazumder***, 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 Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**