

30.09.2022.
53.
as
(Allowed)

C.R.M. (DB) 3473 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.C. No.04 of 2017 arising out of Bowbazar P.S./D.D. Case No.384 of 2016 dated 05.11.2016 under Sections 395/397 of the Indian Penal Code and Section 25(1b)(a)/27 of the Arms Act.

In the matter of : Dibakar Singh @ Diwakar Singh.
.... Petitioner.

Ms. Amrita. Pandey,
Ms. A. Pandey,
Mr. G. Pandey,
Ms. S. Singh.

...for the Petitioner.

Mr. M. Sur, ld. A.P.P.,
Mr. M. Mahata.

...for the State.

Petitioner is in custody for more than five years. It is submitted there is inordinate delay in the trial of the case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had also contributed to the delay. 26 out of 30 witnesses have been examined. Date has been fixed on 28th October and 29th October, 2022 for recording evidence of remaining witnesses.

We have considered the materials on record. Allegation against the petitioner one grave. However, he has suffered detention for more than five years. The inordinate delay in trial, infracts his right to speedy trial under Article 21 of the Constitution of India. The offences do not attract mandatory sentence for life imprisonment.

Under such circumstances, we are of the opinion petitioner may be enlarged on bail, however, subject to strict conditions.

Accordingly, the petitioner shall 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, Kolkata subject to condition that the 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata and shall report to the Officer-in-charge of concerned Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)