

13.12.2022
tkm/ct 28
sl no. 34

C.R.M. (DB) 4371 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kolaghat P.S case no. 111 of 2017 dated 2.4.2017 under sections 394/397/411 of the IPC
and

Allowed

In Re : Prasenjit Jana @ Buddha @ Jamai petitioner

Mr. A K Samanta
Mr. A Mukherjee

..... for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Petitioner is in custody for five and a half year. He submits there is inordinate delay in trial. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits trial has progressed considerably.

We have considered the materials on record. Offences do not attract mandatory life imprisonment. Petitioner has suffered detention for more than five and a half year.

Under such circumstances, we are of the opinion petitioner is entitled to bail on the ground of inordinate delay in trial which has infringed his fundamental right to speedy trial under Article 21 of the Constitution of India.

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 CJM, Purba Medinipur 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 on further condition that the petitioner while on bail shall remain within the jurisdiction of Nandigram P.S except

for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of Nandigram P.S once in a week until further orders.

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) 4371 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)