

22.12.2022
tkm/ct 28
sl no. 41

C.R.M. (DB) 4528 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Karimpur P.S case no. 36 of 2018 dated 8.3.2018 under sections 302/201 of the IPC
and

Allowed

In Re : Biswajit Dhar

..... petitioner

Mr. P P Das
Mr. Asraf Mandal

..... for the petitioner

Mr. M Sur
Mr. M Mahata

..... for the State

Leave is granted to correct the cause title.

Petitioner is in custody for more than four years. He submits notwithstanding direction given by this court in CRM 6783 of 2021, there is no progress in the matter. He renews his prayer for bail.

Report is placed on behalf of the State. From the report it appears though a number of dates were fixed, no witness turned up.

Petitioner has suffered detention for more than four years. Prosecution proposes to examine 23 witnesses. None of the witnesses have been examined till date.

In view of the slow progress in the trial we are constrained to hold petitioner's right to speedy trial enshrined under Article 21 of the Constitution of India stands breached. We are conscious allegation against the petitioner is grave. However, on the ground of inordinate delay in trial we enlarge the petitioner on bail.

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

ACJM, Tehatta, 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Karimpur P.S except for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of Karimpur 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) 3528 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)