

23.12.2022.
38.
as
(Allowed)

C.R.M. (DB) 4548 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura P. S. Case No.248 of 2021 dated 05.10.2021 under Sections 406/408/409/419/420/465/466/467/468/471/477A/120 B/34 of the Indian Penal Code and Sections 66C/66D/73/74 of the I. T. Act.

In the matter of : Avik Mitra.

.... Petitioner.

Mr. Indranath Mitra,
Mr. Nneil Basu,
Mr. Sankha Biswas.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 434 days. Co-accused is on bail. He prays for bail on the ground of inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for more than 434 days. There is no progress in the trial of the case.

Under such circumstances, we are constrained to observe that his right to speedy trial under Articles 21 of the Constitution of India has been breached. Co-accused is on bail.

In view of the aforesaid fact, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Avik Mitra 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 Judicial Magistrate, Bankura subject to condition that he 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 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.)