

08.09.2022

Item No.11

Ct.No.1

K.B/b.r.

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Criminal Appellate Jurisdiction

C.R.M.(DB) 270 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 22.07.2022 in connection with Dhupguri P.S. Case No. 415 of 2014 dated 18.09.2014 under Sections 363/366A/370/372/120B/34 of the Indian Penal Code (G.R. Case No. 4554 of 2014).

And

In the matter of : **Ukil Roy @ Akhil Roy**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik

... for the petitioner

Mr. Aditi Sankar Chakraborty

LD. APP.

Mr. Biswarup Roy

... For the State.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

This is an application for grant of bail in
connection with Dhupguri P.S. Case No. 415 of 2014
dated 18.09.2014 under Sections

363/366A/370/372/120B/34 of the Indian Penal Code.

Mr. Sudip Guha, Learned Counsel appearing for the petitioner/one of the accused persons submits that the petitioner is languishing for judicial custody for nearly 8 years. It is submitted that the other co-accused, who are similarly placed as the petitioner, have obtained bail.

It is also submitted that although charge sheet has been filed and the case has been committed to the Court of Additional Sessions Judge, 1st Fast Truck Court, Jalpaiguri, the trial is proceeding at snail's pace.

Mr. Chakraborty, Learned Counsel appearing for the State, files the Status Report as directed to be filed by the order of the Co-ordinate Hon'ble Division Bench dated 28th July, 2022. From the Status Report filed by the Inspector-in-Charge (I.C.), Dhupguri Police Station, it appears that dates for the trial have been fixed through 2015, 2017, 2018, 2021 and up to 2022. However, for several reasons as cited in the Status Report, the trial has failed to progress substantially.

In view of the conspectus of facts and circumstances discussed above, this Court is persuaded not to curtail the liberty of the petitioner any further. More so, when the maximum punishment for the offence in respect of which the petitioner and the other co-accused have been charged is 10 years and the petitioner has completed 8 years out of the 10 years, the petitioner deserves restoration of his liberty.

Accordingly, the petitioner, **Ukil Roy @ Akhil Roy**, shall find 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 Chief Judicial Magistrate, Jalpaiguri and on the further condition that the petitioner shall not interfere with the evidence and shall appear before the Learned Trial Court on each and every date of hearing.

The Status Report filed in the Court today be retained with the record.

The application for bail, being **CRM (DB) 270 of 2022**, stands thus **allowed**.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)