

08.02.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 313 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Serampore Police Station Case No.328 of 2016 dated 26.07.2016 under Section 302 of the Indian Penal Code. (G.R. Case No.1634 of 2016)

And

In Re: ***Avijit Parui @ Akshay***

... .. Petitioner

Md. Sabir Ahmed
Mr. Suman Chakraborty
Ms. Suman Biswas

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Jonaki Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than six years. It is further submitted there is inordinate delay in trial.

Report is placed on record.

Learned Additional Public Prosecutor opposes the prayer for bail and submits delay was due to protracted cross-examination.

We have considered the materials on record including the report. Charge was framed in August, 2017. Out of 24 witnesses only five witnesses have been examined till date. Examination of each of the witnesses was conducted over one year. We fail to appreciate the manner in which witnesses were examined. However, it is undeniable that the petitioner is in custody for more than six years. There is little possibility of the trial concluding in near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Avijit Parui @ Akshay**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said 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 not leave the jurisdiction of Bally Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Bally Police Station 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)