

06.02.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 396 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Singur P. S. Case No.36 of 2016 dated 01.02.2016 under Sections 395/397 of the Indian Penal Code and Sections 25/27 of the Arms Act and charge sheet submitted under Sections 395/397/396 of the Indian Penal Code and Sections 25/27 of the Arms Act.

In the matter of : Abhijit Ray @ Bapan.

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Petitioner is in custody for more than six years. It is submitted there is inordinate delay in trial. He prays for bail.

Learned Additional Public Prosecutor opposes the bail prayer. He submits petitioner had also contributed to the delay.

We have considered the materials on record. Though petitioner and co-accuseds are in custody for more than 6 years, not a single witness has been examined. This infracts the fundamental right to speedy trial of the petitioner as enshrined under Article 21 of the Constitution of India. Charged offences, even if proved, do not attract mandatory life imprisonment.

Under such circumstances and in view of the protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to conditions.

Accordingly, the petitioners viz., Abhijit Ray @ Bapan 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 Additional Chief Judicial Magistrate, Chandernagore, Hooghly 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Bhadrewswar Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Bhadreswar Police Station once in a week until further orders.

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.)