

08.02.2023  
Sl. No.47  
akd  
[ALLOWED]

**C. R. M. (DB) 503 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Pandua Police Station Case No.548 of 2018 dated 12.10.2018 under Sections 394/397/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re: ***Prosenjit Karmakar @ Buro***

... .. Petitioner

Mr. Arunava Ganguly

... .. for the petitioner

Mr. Sudip Ghosh  
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits delay was due to abscondence of co-accuseds.

We have considered the materials on record. It is true co-accuseds absconded but no steps were taken to declare them as proclaimed offenders and proceed with the trial of the petitioner and others. Petitioner continues to languish in jail for more than four years. Offence, if proved, would not attract mandatory life imprisonment. Co-accuseds have been enlarged on bail.

In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Prosenjit Karmakar @ Buro***, be released on 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, 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.

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.)**