

09.02.2023.
13.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 511 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with STF P. S. Case No.04 of 2018 dated 06.05.2018 under Sections 120B/409/413 of the Indian Penal Code read with Section 13(1)(c)(d)/13(2) of the Prevention of Corruption Act.

In the matter of : Umesh Ray @ Bhola Ray.

.... Petitioner.

Md. Khairul.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for four years and nine months.

He submits there is delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer.

He submits allegations are serious. Petitioner and co-accuseds illegally removed antique arms from the factory. Trial is in progress.

We have considered the materials on record. Allegations are grave and bail prayer of the petitioner has been rejected on merits on a number of times. However, bail prayer is made on the ground of inordinate delay in trial. Though the petitioner is languishing in jail for more than four years and nine months, only four out of 29 witnesses have been examined. This is a clear infraction of his right to speedy trial. None of the offences, if proved, would attract mandatory life imprisonment.

Keeping in mind the aforesaid facts and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, the petitioner viz., Umesh Ray @ Bhola Ray 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 Metropolitan Magistrate, Calcutta 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.)