

23.02.2023
38
sdas
allowed

CRM(DB) No. 643 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 435 of 2018 dated 23.08.2018 under Sections 363/365 of the Indian Penal Code with adding Sections 325/326/307/364A/120B of the Indian Penal Code.

And

In Re : Anup Gayen petitioner

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. June Modak

.....for the petitioner

Mr. P. K. Datta, learned APP

Mr. Santanu Deb Roy

..... for the State

Learned Counsel for the petitioner submits he is in custody for four years and three months. It is also submitted inspite of direction given by this Court there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State submits report. Let the report be kept with record.

We have considered the materials on record. Petitioner is in custody for more than four years. Charge was framed in March, 2022. No witness has been examined till date. There is inordinate delay in trial. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Sessions Judge, Fast Track

3rd Court, Basirhat, North 24 Parganas, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Swarupnagar Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Swarupnagar Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)