

17.02.2023.
29.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 656 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur P. S. Case No.322 of 2014 dated 04.10.2014 under Sections 341/326(A) of the Indian Penal Code.

In the matter of : Tapan @ Topan Biswas.

.... Petitioner.

Mr. Sayan De,
Mr. Kaustav Shome,
Mr. Sayan Kanjilal.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

Petitioner is in custody for more than eight years. There is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is in custody for a protracted period of time. Offences, if proved, would not attract mandatory life imprisonment. This infracts the fundamental right of the petitioner to speedy trial and he is entitled to bail on this score alone.

Accordingly, the petitioner viz., Tapan @ Topan Biswas 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, Ranaghat, Nadia 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.)