

20.03.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 680 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Uttarpara case no. 121 of 2015 dated 16.4.2015 under sections 302/326/307/201 of the IPC
and

Allowed

In Re : Gopal Shit

..... petitioner

Ms. D Brahma
Mr. S Choudhury
Ms. Ankita Das Chakraborty

..... for the petitioner

Mr. N Ahmed
Mr. Iqbal Kabir

..... for the State

Petitioner is in custody for more than eight years. He submits he is suffering from various neurological ailments. There is inordinate delay in trial. He renews his prayer for bail.

Learned lawyer for the State opposes the bail prayer. He submits report with regard to medical condition of the petitioner. He also submits that the delay was engineered by the defence.

We have considered the materials on record. Petitioner is suffering from neurological problems and is under regular treatment at the Neuro-Medicine OPD of BIN hospital. He is in custody for more than eight years and only eight witnesses have been examined. Prosecution proposes to examine a large number of witnesses and there is little possibility of trial concluding in the near future. Though the allegations against the petitioner are grave involving murder of two persons and his bail prayer was rejected in September 2021, in view of his medical condition and the slow progress in trial, we are inclined to enlarge the petitioner on bail, however, subject to conditions.

Accordingly, the petitioner 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 ACJM, Serampore, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Uttarpara P.S for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of the said P.S once in a week until further orders.

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 being CRM (DB) 680 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)