

27.03.2023
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allowed

CRM(DB) No. 893 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CBI/SCB/Kolkata Case No. RC/2/S/13-Kol dated 01.03.2013 under Sections 302/467/471/201/34 of the Indian Penal Code.

And
In Re : Biswanath Murmu petitioner

Mr. Gazi Faruque Hossain
Ms. Versha Roy
Mr. S. Paul
....for the petitioner

Mr. Kallol Mondal
Mr. Manabendranath Bandyopadhyay
..... for the CBI

Learned Counsel for the petitioner submits he is in custody for more than ten years. It is also submitted there is inordinate delay in trial. He prays for bail.

Learned Counsel for the CBI submits report with regard to the status of the trial. Petitioner is the driver of the truck which was used to dispose dead bodies of the victims who were in a home. Trial is at its fag end.

We have considered the materials on record. Petitioner is not the principal accused. We are conscious that the offence is a very grave one. Women in the home were assaulted and as a result they died. But the role of the petitioner primarily revolves around disposal of their dead bodies. He is in custody for more than ten years.

In view of the extent of involvement of the petitioner in the crime and the protracted period of detention suffered by him

which has infringed his fundamental right to speed trial he may be granted bail.

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-cum-Judge, Special Court, Hooghly, on further condition that while on bail petitioner shall remain within the Gurap Police Station except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of the police station concerned once in a week until further orders within whose jurisdiction he shall presently reside. 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.)