

22.03.2023.
24.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 998 of 2023

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

In the matter of : Soumen Banerjee @ Vitu.

.... Petitioner.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for more than four years. He submits there is no progress in trial. Co-accused viz., Anup Gayen has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. Report filed on behalf of the State be kept on record. He submits trial was delayed due to machinations of the accuseds.

We have considered the materials on record. Charge was framed in March, 2022. Only one witness has been examined in part till date. On some dates defence lawyers were absent and the trial court had to take assistance of the DLSA concerned to provide legal representation.

Be that as it may, progress in trial is not appreciable and co-accused viz., Anup Gayen has been enlarged on bail on that ground. Petitioner is entitled to be released on bail on parity.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Soumen Banerjee @ Vitu 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-Paraganas 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.)