

03.04.2023
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allowed

CRM(DB) No. 1317 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj Police Station Case No. 110 of 2018 dated 05.03.2018 under Sections 341/323/325/307 of the Indian Penal Code.

And
In Re : Sambhu Barman petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karna Mondal
....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for more than five years. Prosecution has not examined a single witness. This infracts his fundamental right to speedy trial and he is entitled to bail on this score.

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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, subject to conditions that 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.)