

11.04.2023
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allowed

CRM(DB) No. 1329 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 273 of 2015 dated 26.08.2015 under Sections 302/201 of the Indian Penal Code.

And
In Re : Nirapada Halder petitioner

Ms. Sananda Bhattacharyya
....for the petitioner

Mr. Noguive Ahmed, learned APP
Ms. Jonaki Saha
.... for the State

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

Learned Counsel for the State opposes the prayer for bail and submits petitioner is the husband of the victim lady. He murdered the victim and buried her body near his residence. Trial is in progress. Most of the witnesses have been examined.

We have considered the materials on record. Allegations levelled against the petitioner are grave but he has suffered incarceration for more than seven years. Prosecution proposes to examine six more witnesses. Under such circumstances, we are of the opinion further detention of the petitioner would infract 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, Ranaghat, Nadia, on further condition that while on bail petitioner shall remain within the district of Nadia except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of Santipur Police Station once in a month until further orders. 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.)