

19.04.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 1371 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hare Street PS case no. 169 of 2020 dated 6.7.2020 under sections 120B/420/467/468/471 IPC
And

Allowed

In Re : Ananta Paul @ Sudarshan Das @ Vivek petitioner

Md. J Ahmed
Md. Z Uddin
Mrs. G Firdous
Mr. A Purohit
Mrs. A Khatoon
Mr. S Rajak

..... for the petitioner

Mr. S G Mukherjee, Id PP
Mr. Sudip Ghosh

..... for the State

Petitioner is in custody for more than two years. He submits there is slow progress in the trial. Only seven out of forty five witnesses have been examined till date. He prays for bail.

Learned lawyer for the State opposes the bail. He submits that the offences are very grave. Petitioner had forged documents relating to appointment to this Court. Petitioner had issued fraudulent appointment letters in lieu of money. Delay in trial is engineered by the accused himself.

We have considered the materials on record. Allegations are grave. Petitioner is alleged to have issued fake letters for appointment to this Court in lieu of money. Though charge was framed in 2020, trial has progressed at a very slow pace. Only seven out of forty five witnesses have been examined. We also take note of the fact that a co-accused has approached the Hon'ble Apex Court in 2021 when the said court while rejecting the bail application observed that trial be completed preferably within six months. Thereafter two years have lapsed but progress in the trial is not appreciable. Offences are magistrate triable. In view of the aforesaid circumstances and in the light of the law declared in

*Satender Kumar Antil vs. CBI*¹ we are inclined to grant bail to the petitioner.

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 ACMM-I 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.

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.

Magistrate is directed to conduct the trial with utmost expedition and record evidence on a day-to-day basis. Petitioner shall co-operate with the trial court and shall not seek adjournment apart from exceptional circumstance.

In the event petitioner seeks to delay or dilate the proceeding it shall be open to the trial court to cancel his bail in accordance with law.

The application being CRM (DB) 1371 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2022) 10 SCC 51