

04.07.2023
tkm/ct 28
sl no. 70

C.R.M. (DB) 2516 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. 61 of 2007 dated 17.2.2007 under sections 302/394/411 of the IPC

And

Allowed

In Re : Sontosh Das @ Santosh Das @ Bachha @ Chottu
..... petitioner

Mr. N S Ghosh
Mr. Sourav Mondal

..... for the petitioner

Mr. R D Nandy
Mr. Subrato Roy

..... for the State

Heard learned lawyer for the parties.

We have considered the materials on record. Petitioner is in custody for 16 years. Trial has not concluded. The protracted period of detention suffered by the petitioner persuade us to hold that his right to speedy trial under Article 21 of the Constitution has been infringed.

Hence, we are inclined to grant bail to the petitioner however, subject to strict conditions.

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 CMM Calcutta 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 and on further condition that the petitioner while on bail shall remain within the District of Calcutta except for purpose of investigation and attending court proceeding and provide the address where he

shall reside to the investigating agency and shall report to the Officer-in-Charge of Hare Street P.S once in a week until further orders.

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.

The application being CRM (DB) 2516 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)