

04.07.2023
tkm/ct 28
sl no. 86

C.R.M. (DB) 2532 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baduria P.S case no. 331 of 2018 dated 6.8.2018 under section 302 adding section 201/120B of the IPC
and

Allowed

In Re : Sukanta Biswas @ Sukanto Biswas petitioner

Mr. Kallol Kr. Basu
Mr. J Ul Firdous

..... for the petitioner

Mr. R D Nandy
Ms. Sonali Das

..... for the State

Petitioner is in custody for more than four years. He submits there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Evidence adduced till date against the petitioner is scanty. In the course of trial prosecution has prayed for examination of further witnesses. There is little possibility of trial concluding in near future.

Keeping in mind the aforesaid circumstance, we are of the opinion fundamental right of the petitioner to speedy trial has been infringed and he is entitled to bail on this score.

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 Additional District Judge, Fast Track Court-III, Basirhat, North 24 Parganas 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.

The application being CRM (DB) 2532 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)