

13.07.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (DB) 2541 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with Gariahat Police Station Case No.153 of 2017 dated 25.09.2017 under Sections 395/397 of the Indian Penal Code.

And

In Re: ***Arpan Sikari @ Arpan Shikari***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years and nine months. It is further submitted there is slow progress in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits twelve witnesses have been examined.

We have considered the materials on record. Though the petitioner is in custody for more than five years, trial has progressed at a slow pace. Petitioner is not responsible for the delay. There is little possibility of the trial concluding in the near future. Offences, even if proved, would not attract the mandatory life imprisonment. Under such circumstances, we are constrained to hold fundamental right of the petitioner to speedy trial has been infringed and he is entitled to bail on this score alone.

Therefore, the accused/petitioner, namely ***Arpan Sikari @ Arpan Shikari***, be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief

Judicial Magistrate, South 24-Parganas at Alipore subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)