

08.08.2023
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allowed

CRM(DB) No. 2808 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amta Police Station Case No. 136 of 2020 dated 19.05.2020 under Sections 302/201/379/411/34 of the Indian Penal Code.

And

In Re : Swadesh Roy @ Sadash Ray @ Bappa petitioner

Mr. Shekhar Kumar Basu, Sr. Adv.

Mr. Sabyasachi Chatterjee

Mr. Imtiaz Akhtar

....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

Certified copy filed on behalf of the petitioner be kept on record.

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted that there is slow progress in the matter. He renews his bail prayer.

Learned Counsel for the State submits report. Let the report be kept on record.

We have considered the materials on record. Statements of the witnesses show a large number of persons had assaulted the victim. As a result he died. Some of the co-accused who have been named by the eye-witnesses as Pratap Ray and Subir Ray are on bail. We are conscious bail prayer of the petitioner was rejected earlier in October, 2022 but there is no progress in the matter. In spite of direction by this Court trial court was unable

to consider the issue of framing of charge, inter alia, on the score of non-availability of records. In this backdrop, we are of the opinion there is inordinate delay in commencement of trial for which the petitioner is not responsible. Co-accused including Pratap Ray and Subir Ray are on bail. Under such circumstances and as there is no possibility of his abscondence, we are inclined to grant bail to the petitioner also.

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 District Judge, Amta, Howrah, subject to conditions that 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.)