

18.07.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2833 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jadavpur P.S. Case No.432 of 2013 dated 18.07.2013 under Sections 302/34/396 of the Indian Penal Code and charge sheet submitted under Section 396 of the Indian Penal Code.

In the matter of : Uttam Jana.

.... Petitioner.

Mr. Suman De,
Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

Petitioner is in custody for more than ten years. He submits there is inordinate delay in trial. He renews his bail prayer.

Learned Advocate for the State produces the case diary as well as the report with regard to the status of the proceeding.

We have considered the materials on record. Charges were framed in 2014. Till date only ten witnesses have been examined. Prosecution proposes to examine a large number of witnesses and there is no possibility of trial concluding in the near future.

Under such circumstances, we are constrained to observe that the fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score.

Accordingly, the petitioner viz., Uttam Jana 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 Chief Judicial Magistrate, Alipore, South 24-Paraganas subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of Jadavpur Police Station once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)