

25.07.2023.  
36.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 2933 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranigunj P. S. Case No.79 of 2013 dated 07.03.2013 under Sections 498A/307 of the Indian Penal Code and charge sheet submitted under Sections 498A/302 of the Indian Penal Code.

In the matter of : Dhananjoy Gorai @ Dhanjoy Gorai.  
.... Petitioner.

Mr. Arkaprabho Roy,  
Mr. Rihddhiman Mukherjee.  
...for the Petitioner.

Ms. Faria Hossain,  
Mr. Anand Keshari.  
...for the State.

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

Learned Advocate for the State opposes the bail prayer. He submits trial is at its fag end.

We have considered the materials on record. Allegations involve murder of a housewife. Though the allegations are very grave, we note petitioner is in custody for more than ten years. Presently, the trial court is lying vacant. There is little possibility of trial concluding in the near future. There is no chance of abscondence.

Under such circumstances, we are constrained to hold though bail prayer of the petitioner does not appeal to us, such prayer may be considered on the ground of inordinate delay which has infringed his right to speedy trial.

Accordingly, the petitioner viz., Dhananjoy Gorai @ Dhanjoy Gorai 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, Asansol 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.

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.

The application for bail is, thus disposed of.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**