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allowed

CRM(DB) No. 3153 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur Police Station Case No. 420 of 2016 dated 19.11.2016 under Section 302 of the Indian Penal Code.

In Re : Goutam Mahato And
..... petitioner

Ms. Devi Priya Mitra
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta
..... for the State

Learned Counsel for the petitioner submits he is in custody for seven years. It is also submitted that inspite of direction given by this Court there is no appreciable progress in the trial. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though allegations are grave, prosecution appears to have proceeded at a tardy pace. Petitioner has languished in jail for more than seven years. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion fundamental right of the petitioner to speedy trial has been infringed and he is entitled to bail on such score.

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 Chief Judicial Magistrate, Uluberia, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)