

01.09.2023
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allowed

CRM(DB) No. 3256 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra Police Station Case No. 915 of 2012 dated 17.11.2012 under Sections 369/365/349 of the Indian Penal Code and charge-sheet submitted under Sections 364/302/201/120B of the Indian Penal Code.

And
In Re : Newton Biswas petitioner

Mr. Pabitra Biswas
.....for the petitioner

Mr. Ranabir Roychowdhury
Mr. Mainak Gupta
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for about eleven years. It is also submitted that there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits trial has progressed substantially and only three witnesses are yet to be examined.

3. We have considered the materials on record. Petitioner has suffered detention for a protracted period of time. All vulnerable witnesses have been examined. Only investigating officers and scientific officer are to be examined as per prosecution. There is no chance of influencing them. Delay in trial has infringed the fundamental right to speedy trial of the petitioner. He is not responsible for the delay. Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.

4. 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 Chief Judicial Magistrate, Barasat, North 24 Parganas, except for the purposes of investigation and /or attending court proceeding and shall meet the Officer-in-Charge, Habra Police Station once in a week until further orders. 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)