

12.09.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3350 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S. Case No.141 of 2018 dated 15.05.2018 under Sections 448/302/201 of the Indian Penal Code and under Sections 25(i)(d)/27 of the Arms Act.

In the matter of : **Jatin Roy.**

.... Petitioner.

Mr. Sayan De,
Mr. Kaustav Shome,
Mr. Sayan Kanjilal.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for more than five years. He prays for bail on the ground of delay.
2. Learned Advocate for the State opposes the bail prayer. He submits report including explanation for the delay.
3. We have perused the report. It appears that on repeated occasions witnesses were not present before the trial court. In fact, on certain occasions summons had not even been issued. This shows gross indifference on the part of prosecution to conduct trial with due expedition.
4. Delay cannot be attributed to the petitioner who has suffered incarceration for more than five years. Hence, on the score of inordinate delay and laxity in conducting trial in a prompt manner, we are inclined to enlarge the petitioner on bail.

4. Accordingly, the petitioner viz., **Jatin Roy** 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, Ranaghat, Nadia 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.

5. 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.

6. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)