

31.08.2023.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3412 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chitpore P.S. Case No.239 of 2011 dated 22.11.2011 under Sections 302/394 of the Indian Penal Code and charge sheet submitted under Sections 304/394 of the Indian Penal Code.

In the matter of : Debkumar Chakraborty.

.... Petitioner.

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Swastik Samaddar,
Ms. Sanghamitra Mridha.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

1. Petitioner submits he is in custody for more than 11 years. There is inordinate delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits trial is at its fag end. All prosecution witnesses except the Investigating Officer has been examined.
3. We have considered the materials on record. 25 prosecution witnesses have been examined. Examination of the Investigating officer commenced in March, 2020 and his examination-in-chief has not concluded till date. Even if one discounts the dates fixed in 2020 which were lost due to pandemic, no explanation is forthcoming why the Investigating Officer could not be examined till date.
4. Under such circumstances, we are constrained to observe the manner in which the prosecution has conducted

the case is not appreciable and petitioner is entitled to bail on the ground of inordinate delay in trial.

5. Accordingly, the petitioner viz., Debkumar Chakraborty 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, Sealdah, 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)