

33
sdas
allowed

CRM(DB) No. 3795 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Armherst Street Police Station Case No. 121 of 2021 dated 24.06.2021 under Sections 419/420/170/465/467/468/469/471/120B of the Indian Penal Code.

In Re : Susanta Das And
..... petitioner

Mr. Anirban Guhathakurta
Ms. Koel Mukherjee
Mr. Anurag Sardar
Mr. Mahfuz Murshed
Mr. Sayan Mukherjee
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
..... for the State

1. Learned Counsel for the petitioner submits he is in custody for over 800 days. Co-accused are on bail. There is no possibility of trial concluding in the near future. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused had set-up fake vaccination camp during Covid-19 Pandemic. Date has been fixed for prosecution evidence.

3. We have considered the materials on record. Allegations against the accused are grave. They had set-up fake vaccination camp during Covid-19 Pandemic. But trial is proceeding at a very slow pace. Petitioner is in custody for over 800 days. No prosecution witness has been examined till date.

Prosecution proposes to examine more than 75 witnesses. Under such circumstances it is left to one's imagination when the trial would come to an end. Hence, we are inclined to grant bail to the petitioner on the ground of protracted period of detention suffered by the petitioner and slow progress in trial.

3. 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 District and Sessions Judge, 2nd Fast Track Court, City Sessions Court at Calcutta, subject to condition 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.

4. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)