

10.10.2023
tkm/ct 28
sl no. 42

C.R.M. (DB) 3897 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habra P.S case no. 312 of 2016 dated 28.4.2016 under sections 326/307/302/34 IPC adding section 303/120B IPC chares were framed under section 357/326/307/302/34/120B IPC and under section 27(1)/25(1)(a) of the Arms Act

and

Allowed

In Re : Sumanta Debnath @ Akash

..... petitioner

Mr. Arnab Chatterjee
Ms. D Biswas
Ms. Poulami Bose

..... for the petitioner

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

1. Petitioner is in custody for more than seven years. He contends there is inordinate delay in trial. He renews bail prayer.
2. State has submitted report.
3. We have considered the materials on record. Though allegation against the petitioner is grave and would attract mandatory life imprisonment, he has already suffered incarceration for more than seven years. Only four witnesses have been examined. There is little possibility of trial concluding in the near future. Petitioner has made out a case of grant of bail on the ground of inordinate delay in trial.
4. Accordingly, the petitioner 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 CJM North 24 Parganas at Barasat on condition that the petitioner shall appear before the trial court on every date of

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 3897 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)