

10.10.2023
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as
Ct.No. 28

C.R.M. (DB) 3909 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kasba P.S case no. 166 of 2021 dated 22.6.2021 under sections 120B/420/419/467/468/471/474/274/275/276/170/188/307 IPC read with section 51(b) of the Disaster Management Act.
and

Allowed

In Re : **Arabinda Baidya** ... petitioner

Ms. Devi Priya Mitra
..... for the petitioner

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Amita Gaur
..... for the State

1. Petitioner is in custody for two years and two months. It is submitted co-accused are on bail. Only one out of 131 witnesses has been examined in part. There is little possibility of trial concluding in the near future.
2. Learned lawyer for the State opposes the bail prayer. He contends delay was engineered by the defence. They sought adjournment for cross examination of prosecution witness on a number of days.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Co-accused are on bail. Only one out of 131 witnesses has been examined. Though prosecution contends there was some delay due to adjournment on score of cross examination, possibility of trial concluding in the near future is bleak. Offences even if proved, would not attract mandatory life imprisonment.

4. In view of the aforesaid circumstances we are of the opinion further detention of the petitioner would infract fundamental right to speedy trial and petitioner is entitled to bail on this score.

5. 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 Alipore, South 24 Parganas 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)