

01.12.2023.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4047 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur P.S. Case No.11 of 2016 dated 05.01.2016 under Sections 302/201/109/120B/34 of the Indian Penal Code.

In the matter of : **Ramprosad Biswas @ Ramprasad Biswas.**
.... Petitioner.

Ms. Sananda Bhattacharyya.
...for the Petitioner.

Ms. Zareen N. Khan,
Mr. Asif Dewan.
...for the State.

1. Petitioner is in custody for more than seven years. He submits there is slow progress in trial. Co-accused Nilima Biswas is on bail. He renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. She contends five witnesses have been examined till date.
3. We have considered the materials on record. Though allegations are grave and involves mandatory life imprisonment, we note petitioner has suffered incarceration for more than seven years. Co-accused Nilima Biswas is on bail on the ground of delay in trial. Thereafter, bail prayer of the petitioner was rejected but till date only five out of fourteen witnesses have been examined. There is little possibility of trial concluding in the near future.
4. Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.
5. Accordingly, the petitioner viz., **Ramprosad Biswas @ Ramprasad Biswas** 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of Santipur Police Station except for the purpose of attending court proceeding and report to the Officer-in-charge, Santipur Police Station once in a week until further orders.

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.)