

18.12.2023
tkm/ct 28
sl no. 70

C.R.M. (DB) 4055 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali P.S case no. 130 of 2018 dated 28.4.2018 under sections 447/448/325/326/307/302/34 IPC
and

Allowed

In Re : Basudeb Ghosh petitioner

Mr. S Majumder

..... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

1. Petitioner is in custody for more than five years. He submits there is inordinate delay in trial. He prays for bail.
2. Learned lawyer for the State submits report. Report is placed on record.
3. From the report it appears that only one witness has been examined till date. This shows callous indifference on the part of the prosecution to conduct trial.
4. Under such circumstances we are constrained to hold fundamental right of the petitioner to speedy trial has been infringed and he is entitled to bail on such 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 ACJM Ranaghat, Nadia 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. The application being CRM (DB) 4055 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)