

18.12.2023
tkm/ct 28
sl no. 73

C.R.M. (DB) 4062 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gangnapur P.S case no. 183 of 2018 dated 16.12.2018 under sections 498A/304B IPC
and

Allowed

In Re : Raju Das

..... petitioner

Mr. S Majumder

..... for the petitioner

Mr. Debasish Roy, Id PP

..... 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 opposes the bail prayer.
3. We have considered the materials on record. Allegations involve cruelty and death under unnatural circumstances of the victim housewife at the matrimonial home. Petitioner has suffered incarceration for more than five years. No witness has been examined till date.
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 alone.
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) 4062 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)