

18.10.2023.
53.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4107 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.830 of 2021 dated 13.10.2021 under Sections 498(A)/304(B)/302 of the Indian Penal Code.

In the matter of : **Rajesh Barma.**

.... Petitioner.

Md. Khalid Hasan,
Mr. N. Ahamed Mallick.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mr. Aniket Mitra.

...for the State.

1. Petitioner is in custody for more than two years. He contends there is slow progress in trial. He renews his bail prayer.
2. Learned Advocate for the State opposes the prayer for bail. He contends defence had sought adjournment on the score of cross-examination of prosecution witnesses.
3. We have considered the materials on record. Petitioner is in custody for more than two years. Only one witness has been examined till date. Though adjournment was sought on the ground of cross-examination of the said witness, this does not absolve the tardy progress in trial at the behest of the prosecution. Offences, even if proved, would not attract mandatory life imprisonment. There is no chance of his abscondence.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Rajesh Barma** 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.

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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)