

19.10.2023.
30.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4127 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar North P.S. Case No.144 of 2012 dated 22.06.2012 under Section 302 of the Indian Penal Code.

In the matter of : **Nipen Mondal**.

.... Petitioner.

Mr. Souma Subhra Ray.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

1. Petitioner is in custody for more than eleven years. He submits there is inordinate delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. He submits five witnesses have been examined.
3. We have considered the materials on record. Petitioner is in custody for eleven years. Only five out of 12 witnesses have been examined. Trial has proceeded at a snail's pace. Petitioner is not responsible for the delay. Though allegations are grave and may attract mandatory life imprisonment, the inordinate delay in trial has infringed his fundamental right to speedy justice. Petitioner is entitled to bail on this score.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Nipen Mondal** 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 Chief Judicial Magistrate, Jhargram 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 District of North 24-Paraganas except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge, Bidhannagar North 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.)