

20.11.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 4124 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Chanditala Police Station Case No.130 of 2014 dated 02.04.2014 under Sections 498A/302/34 of the Indian Penal Code. (G.R. Case No.642 of 2014)

And

In Re: ***Basudeb Pandit & Ors.***

... .. Petitioners

Mr. Kallol Kumar Basu
Mr. Anindya Sundar Das
Mr. Debapriya Samanta
Md. Jannat-ul-Firdous

... .. for the petitioners

Ms. Faria Hossain
Ms. Mamata Jana

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than nine years. It is further submitted there is very slow progress in trial. Accordingly, they pray for bail.
2. Report with regard to status of trial is placed on record.
3. We have considered the materials on record including the report. Allegations are serious and involve murder of a housewife. Petitioners are in custody for more than nine years and eleven witnesses have been examined till date. Prosecution proposes to examine 5/6 more witnesses. Under such circumstances bearing in mind the protracted period of detention suffered by the petitioners and as prosecution still proposes to examine a number of witnesses, we are constrained to observe fundamental right to speedy trial of the petitioners has been infringed and they are entitled to bail on this score.

4. Therefore, the petitioners, namely **(1) Basudeb Pandit, (2) Kalpana Pandit & (3) Rupali Pandit**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Fast Track Court, Serampore, Hooghly subject to condition that the said petitioners 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.
5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)