

16.11.2023
as/tkm/ct 28
sl no. 18

C.R.M. (DB) 4148 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur P.S case no. 128 of 2012 dated 18.4.2012 under section 302 of the IPC
and

Allowed

In Re : Ganesh Roy @ Raju @ Raj petitioner

Mr. sumanta Das

..... for the petitioner

Mr. S Bapuli

Mr. Arani Bhattacharyya

..... for the State

1. Petitioner is in custody for more than 11 years. He submits trial has not completed. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends bail prayer of the petitioner was rejected earlier.
3. We have considered the materials on record. It is true bail prayer of the petitioner was rejected earlier on merits in June 2022. Since then progress of trial is not appreciable and the petitioner has suffered incarceration for more than 11 years. Prosecution evidence is yet to be completed.
4. Under such circumstances, we are inclined to grant bail to the petitioner however, subject to strict conditions.

1. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 20,000/- 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 and on further condition that the petitioner while on

bail shall remain within the jurisdiction of Ghola P.S except for attending the court proceeding and shall report to the Officer-in-Charge of Ghola police station once in a week until further orders.

5. 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.

6. The application being CRM (DB) 4148 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)