

23.11.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 4151 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Taherpur Police Station Case No.13 of 2020 dated 01.02.2020 under Sections 302/120B/201/34 of the Indian Penal Code.

And

In Re: **Arun Basak**

... .. Petitioner

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdous
Mr. Mofakkerul Islam
Sk. Saidullah
Mr. Mithun Mondal
Md. Arsalan
Ms. Bani Israil
Ms. Manna Sahnaj

... .. for the petitioner

Ms. Zareen N. Khan
Ms. Mayukhi Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is very slow progress in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits one witness has been examined.
3. We have considered the materials on record. Allegations show petitioner and co-accused had assaulted the victim resulting in his death. Though allegations are grave, progress in the matter is slow. Prosecution proposes to examine a large number of witnesses and there is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to bail on this score.

4. Therefore, the accused/petitioner, namely **Arun Basak**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)