

19.12.2023
tkm/ct 28
sl no. 82

C.R.M. (DB) 4305 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhadreswar P.S Case no. 69 dated 17.2.2022 for the offence punishable under section 420/406/409/467/468/471/477A/34 IPC

And

Allowed

In Re : Himanshu Mishra alias Himangshu Mishra

..... petitioner

Ms. Karabi Roy
Mr. Kunal Banerjee

..... for the petitioner

Mr. Imran Ali
Ms. D Sahu

..... for the State

1. Petitioner is in custody for more than 18 months. He contends there is no possibility of trial concluding in the near future. He prays for bail.
2. Learned lawyer for the State submits petitioner was a Assistant Manager and had misappropriated 1.41 crores.
3. We have considered the materials on record. No doubt allegations involve corruption by a public servant but he is suffering incarceration for more than 18 months and there is little possibility of trial concluding in the near future.
4. Under such circumstances we are of the opinion further detention of the petitioner would infract his right to speedy trial and he is entitled to bail on this score.
5. Accordingly, the petitioner 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 Judge, Special Court cum Additional District & Sessions Judge, 1st Court at Hooghly, Chinsurah 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.

6. 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.

7. The application being CRM (DB) 4305 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)