

19.12.2023
tkm/ct 28
sl no. 77

C.R.M. (DB) 4411 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ranaghat P.S case no. 1 of 2018 dated 1.1.2018 under sections 363/376/307 IPC
and

Allowed

In Re : Subrata Das petitioner

Ms. M Gomes

..... for the petitioner

Mr. Swapan Banerjee
Mr. M Mahata

..... for the State

1. Petitioner is in custody for more than six years. He prays for bail on the ground of delay in trial.
2. Learned lawyer for the State submits report. Report is placed on record.
3. We have considered the materials on record including the report.
4. In the report it is stated that the victim is still in a traumatic state. As a result, she had not been examined till date. Without commenting on such opinion, we note petitioner is in custody for more than six years. Further detention for examination of other prosecution witnesses would infract his right to speedy trial as enshrined under Article 21 of the Constitution of India and he 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 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.

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) 4411 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)