

19.12.2023
tkm/ct 28
sl no. 93

C.R.M. (DB) 4487 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Burtolla P.S Case no. 196 of 2016 dated 6.6.2016 for the offence punishable under section 364A/120B IPC and section 25(1B)(a)/27 of the Arms Act

And

Allowed

In Re : Gopal Das

..... petitioner

Mr. Sourav Mondal

..... for the petitioner

Ms. Faria Hossain

Mr. Arindam Sen

..... for the State

1. Petitioner is in custody for more than seven years. He contends inspite of direction given by this court earlier in CRM (DB) 2033 of 2022 to conclude the trial within one year from the next date fixed for recording evidence only one witness has been examined. Hence, he prays for bail.
2. Learned lawyer for the State contends petitioner had contributed to the delay.
3. We have considered the materials on record. Petitioner is in custody for more than seven years. While rejecting bail prayer of the petitioner in CRM (DB) 2033 of 2022 this court directed the trial court to conclude the trial within one year from the next date fixed for recording evidence. Order was communicated to the trial court in September 2022. Thereafter only one witness has been examined. This shows slow progress in trial. There is no possibility of trial concluding in the near future.
4. 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.

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 ACMM Calcutta 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) 4487 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)