

30.01.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 4591 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pandua P. S. Case No.548 of 2018 dated 12.10.2018 under Sections 394/397/412 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

In the matter of : Lipon @ Ripon Roy.

.... Petitioner.

Mr. Arunava Ganguly.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Petitioner is in custody for more than four years. He prays for bail on the ground of inordinate delay.

Learned Advocate for the State opposes the bail prayer. State submits report. From the report it appears that charge has been framed in August, 2021. No witnesses have been examined till date. Case does not attract a sentence of mandatory life imprisonment.

In view of the aforesaid circumstances, we are of the opinion there is inordinate delay in trial infracting the fundamental right to speedy trial of the petitioner. Hence, petitioner is entitled to be released on bail on such score.

Accordingly, the petitioners viz., Lipon @ Ripon Roy shall 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 Chief

Judicial Magistrate, Hooghly subject to condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)