

27.02.2023

Sl. No.114

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (DB) 113 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Rajganj Police Station Case No.126 of 2012 dated 14.07.2012 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Nemai Hazra @ Nimai Hazra***

... .. Petitioner

Mr. Kunaljit Bhattacharjee

Mr. Satyam Sarkar

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Arjun Chowdhury

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about ten years. It is further submitted there is inordinate delay in trial.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. There is inordinate delay in trial. No doubt the allegations are grave but the protracted period of detention suffered by the petitioner and the remote possibility of the trial concluding in near future persuade us to hold that his fundamental right to speedy trial has been infringed and he is entitled to bail on such score alone.

Therefore, the accused/petitioner, namely ***Nemai Hazra @ Nimai Hazra***, 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 District & Sessions Judge, 4th Court, Jalpaiguri 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.

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.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)