

D/L. 19
January 31, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 473 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Session Case No. 509 of 2013 arising out of Banarhat Police Station Case No. 222 of 2013 dated 28.08.2013 under Sections 376/326/307 of the Indian Penal Code.

And

In the matter of: Siraj Ansari

.... Petitioner

Ms. Matan Chakraborty

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

This is an unfortunate case where the petitioner is in custody for nine years and five months without any probability of immediate conclusion of the trial. Only one witness has been examined till date.

We find from the annexures to the petition that a co-ordinate bench had, vide order dated August 26, 2021 passed in CRM 854 of 2021, expressed the hope and expectation that the trial would be completed within six months from the date of fixing the first date for completion of the evidence of the prosecution's witness no.1. However, despite such first date having been fixed on January 9, 2023, no immediate step is noticeable on the part of the respondent authorities to expedite the trial.

In such view of the matter, expressing dissatisfaction at the laxity shown by the prosecution in the present case, CRM (DB) 473 of

2022 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 4th Court at Jalpiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

It is expected that the prosecution will urgent steps to expedite the trial of the matter.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)