

10.01.2024.
48.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 59 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar P.S. Case No.465 of 2018 dated 06.12.2018 under Sections 498A/304B/302 of the Indian Penal Code.

In the matter of : **Md. Shahzad Parwez @ Raja.**

.... Petitioner.

Mr. Bitasok Banerjee,
Mr. A. Salam.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Arup Sarkar.

...for the State.

1. Petitioner submits he is in custody for more than five years. He submits there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is the husband and principal accused. But he is in custody for more than five years. Delay is wholly attributable to the prosecution. Witnesses did not attend the Court and depose. Witness warrant has been issued.
4. Under such circumstances, petitioner has made out a case of breach of his fundamental right to speedy trial and is entitled to bail on this score.
5. Accordingly, the petitioner viz., **Md. Shahzad Parwez @ Raja** 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

Additional Chief Judicial Magistrate, Chandannagar, 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)