

09.02.2024
28
sdas
allowed

CRM(DB) No. 314 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh Police Station Case No. 791 of 2015 dated 25.10.2015 under Sections 302/34 of the Indian Penal Code.

And

In Re : Prakash Jaiswara petitioner

Mr. Sourav Mondal

Mr. Subhajit Choudhury

....for the petitioner

Mr. Parthaprati Das

Mr. Arabinda Manna

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than eight years. There is slow progress in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits report.

3. We have considered the materials on record including the report. It is true allegations implicate the petitioner in the murder but he is in custody for more than eight years and only six witnesses have been examined. Prosecution proposes to examine eight more witnesses. There is no possibility of trial concluding in the near future. Accordingly, petitioner is entitled to bail on the ground of inordinate delay in trial.

4. Accordingly, we direct that the petitioner 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 District & Sessions Judge, Fast Track Court No. 1, Barrackpore, North 24-Parganas, on further conditions that while on bail petitioner shall remain with the District of Titagarh Police Station and report to the Officer-in-Charge, Titagarh, Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)