

12.03.2024

31

Saswata

Allowed

C.R.M. (DB) No. 705 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pathar Pratima Police Station Case No. 238 of 2018 dated 25.11.2018 under Sections 498A/302/304B/34 of the Indian Penal Code.

And

In Re : Keshab Purkait

..... petitioner

Mr. Sabyasachi Chatterjee

Mr. Omar Faruk Gazi

Mr. A. Mukherjee

.....for the petitioner

Mr. Parthaprati Das

Mr. A.S.Chatterjee

.....for the State

1. Petitioner is in custody for more than 5 years.
2. He submits there is inordinate delay in trial. He prays for bail.
3. Learned lawyer for the State submits report. He contends that the victim lady was assaulted on the head and died.
4. We have considered the materials on record. Petitioner is the husband of the victim lady. She was murdered at her matrimonial home. Though the allegations are serious, the petitioner is in custody for more than 5 years. Only 5 out of 18 witnesses have been examined. There is little possibility of trial concluding in near future.
5. Under such circumstances, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two

sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24 Parganas. 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.

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

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)