

12.03.2024

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Saswata

Allowed

C.R.M. (DB) No. 701 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghatal Police Station Case No. 118 of 2017 dated 16.06.2017 under Sections 458/436/302/120B/506/34 of the Indian Penal Code.

And

In Re : Kaji Ismile @ Kazi Ismile @ Kaji Ismail

..... petitioner

Mr. Amit Ranjan Pati

Ms. Swastika Chowdhury

.....for the petitioner

Mr. Joydeep Roy

Mr. Asif Dewan

.....for the State

1. Petitioner is in custody for more than 6 years.
2. He submits there is inordinate delay in trial. He prays for bail.
3. Learned lawyer for the State submits 3 persons had been set on fire. He submits report with regard to the progress in trial.
4. We have considered the materials on record. Allegations are very serious and involve murder of three persons. But the petitioner is in custody for more than 6 years. Charges have not yet been framed.
5. Delay is not attributable to the petitioner.
6. Under such circumstances, the petitioner has been able to make out a case of inordinate delay in trial, infracting his fundamental right under Article 21 of the Constitution of India.

7. 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, Ghatal, Paschim Medinipur. 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.)