

02.04.2024
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 853 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2024 in connection with Bhadreswar Police Station Case No.461 of 2014 dated 22.12.2014 under Section 302 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Pintu Shaw @ Pintu Kumar Shaw***

... .. Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Mr. Antarikhya Basu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than eight years. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits twelve out of twenty-one witnesses have been examined.
4. We have considered the materials on record. Allegations are serious and involve murder. However, petitioner is in custody for more than eight years. He is not responsible for the delay. Prosecution proposes to examine 21 witnesses in all. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case for grant of bail on the ground of inordinate delay in trial. Hence, we are inclined to grant bail to the petitioner.
5. Therefore, the accused/petitioner, namely ***Pintu Shaw @ Pintu Kumar Shaw***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said 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.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)