

10.04.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 921 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.03.2024 in connection with Narkeldanga Police Station Case No.251 of 2017 dated 24.10.2017 under Section 364A of the Indian Penal Code and subsequently charge sheet submitted under Sections 120B/364A of the Indian Penal Code. (G.R. Case No.2900 of 2017)

And

In Re: **Partha Majumdar**

... .. Petitioner

Mr. Sourav Mondal
Mr. Rony Mondal

... .. for the petitioner

Ms. Amita Gaur
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than six 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 eleven out of nineteen witnesses have been examined. Bail prayer of co-accused was turned down in July, 2023.
4. We have considered the materials on record. It is alleged petitioner and co-accused had abducted the victim for ransom. However, trial is progressing at a slow pace. Only eleven out of nineteen witnesses have been examined till date. Petitioner is in custody for more than six years. Under such circumstances, we are of the opinion petitioner has made out an arguable case for bail on the ground of delay in trial. Hence, we are inclined to grant bail to the petitioner.
5. Therefore, the accused/petitioner, namely **Partha Majumdar**, 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, Sealdah 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.)