

29.04.2024
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 972 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.03.2024 in connection with Habra Police Station Case No.357 dated 26.04.2018 under Sections 420/406/409 of the Indian Penal Code.

And

In Re: ***Rajdeep Roy***

... .. Petitioner

Mr. Purnasish Gupta
Mr. Jayanta Kumar Mukhopadhyay
... .. for the petitioner

Ms. Sreyashee Biswas
Mrs. Baisakhi Chatterjee
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was involved in misappropriating paddy which was to be converted into rice valued over ₹3 crores. His bail prayer was rejected earlier on merits.
3. We have considered the materials on record. Petitioner had been entrusted with paddy for conversion into rice. Value of unaccounted rice is over ₹3 crores. In view of gravity of the offence his bail prayer was rejected earlier on merits. However, petitioner is in custody for more than three years. Trial has not come to an end. On the earlier occasion the matter was adjourned to enable the State to lead evidence in course of the schedule fixed between 15th to 17th April, 2024. No witness was examined due to systemic delays. 24 more witnesses are left to be examined. Offences, even if proved, would

not attract mandatory life imprisonment. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Rajdeep Roy**, 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 Judge, Special Court, 3rd Court, Barasat, North 24-Parganas 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)