

15.
26-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1404 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagacha Police Station Case No.77 of 2021 dated 01-04-2021 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

- A n d -

In the matter of : Sanjoy Malik @ Sanjoy Mallik

.... Petitioner.

Mr. Arnab Sinha,
Mr. Arka Ranjan Bhattacharya,
Mr. Debanik Das,
Mr. Souvik Ghosh

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Ms. A. Sinha

... For the State.

Ms. Trina Mitra

... For the defacto-complainant.

The petitioner is in custody for almost three years. Charge has not yet been framed, whatever the reasons be. There are 13 witnesses named in the charge sheet.

The petitioner is the husband of the deceased lady. He renews his prayer for bail which was earlier rejected by a coordinate Bench by an order dated April 06, 2022 passed in CRM (DB) 907 of 2022.

There is no possibility of an early conclusion of the trial which has not even started. The petitioner is in custody for almost three years. We cannot lose sight of a citizen's fundamental right to speedy trial and personal liberty enshrined in Article 21 of the Constitution of India.

Purely on the ground of delay in trial, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Sanjoy Malik @ Sanjoy Mallik**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station every week until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1404 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)