

23.
21-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1647 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burdwan Police Station Case No.118 of 2016 dated 01-02-2016 under Sections 395/397 of the Indian Penal Code adding Sections 326/307 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Sanjoy Ram @ Suku

.... Petitioner.

Ms. Jeenia Rudra

... For the Petitioner.

Mr. S. S. Imam,
Mr. Tirupati Mukherjee

... For the State.

The petitioner renews his prayer for bail which was lastly rejected by this Court on June 28, 2017. The petitioner is in custody for 8 years and 3 months. We had called for a report from the State explaining the delay in progress of the trial. The report filed today be kept with the records. The report is completely unsatisfactory. No acceptable explanation has been furnished.

We are told that the last examination of witness was on October 17, 2023. About nine months have elapsed since then. Only 15 out of 68 charge-sheeted witnesses have been examined. There is no chance of an early conclusion of the trial.

A citizen's fundamental right to personal liberty envisaged under Article 21 of the Constitution of India must override all considerations. Under no circumstances, an under-trial can be detained in custody for such a long period of time as the present petitioner has been.

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 Ram @ Suku**, 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, Burdwan. 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 once every fortnight until further orders. The petitioner shall also furnish his current local address to the learned trial Court as also to the office of CID at Burdwan.

In the event the petitioner fails to appear before the trial Court without justifiable cause, 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) 1647 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.)