

30.
02-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1824 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Titagarh Police Station Case No.171 of 2020 dated 01-03-2020 under Sections 498A/326/307 of the Indian Penal Code.

- A n d -

In the matter of : Sri Subrata Biswas

.... Petitioner.

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra

... For the Petitioner.

Ms. Faria Hossain, learned APP,
Ms. Rajashree Tah

... For the State.

Pursuant to our earlier order, the State has filed a report. Let the same be taken on record.

The issue of framing of charge is scheduled to be considered on July 18, 2024. The petitioner is in custody for about 4 years 4 months.

The State says that the delay is not due to any fault or laches on its part. Systemic reasons have caused the delay. There is sufficient material against the petitioner including dying declaration of the victim who implicates the petitioner.

The quality and quantity of incriminating evidence against the petitioner may be more than adequate. We are not on that. An under-trial cannot be kept in incarceration for an indefinite period of time without taking the trial to its logical conclusion at an early date. A citizen's fundamental right to personal liberty and speedy trial is very well recognized and is part of Article 21 of the Constitution of India. 4 years 4 months is a very long period of time. Charge is yet to be framed. There are ten chargesheet named

witnesses. It is anybody's guess when the trial would conclude.

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

Accordingly, we direct that the petitioner, namely, **Sri Subrata Biswas**, 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 Additional Chief Judicial Magistrate, Barrackpore. 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 in every fortnight 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) 1824 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.)