

CRM (DB) 1874 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ghatal Police Station** Case No. **301 of 2015** dated **19.10.2015** under Sections **449/376(1)/302/201** of the Indian Penal Code.

- A n d -

In the matter of : Rajesh Ray

Ms. Sonali Das,

Mr. Subhamay Bhattacharyya,
Mr. S. Balial,

.... Petitioner.

... For the Petitioner.

... For the State.

The petitioner renews his prayer for bail which was rejected by a coordinate bench by an order dated December 13, 2018 passed in CRM 11259 of 2018.

The petitioner says that he is in custody for eight years and eight months. The earlier order of the coordinate Bench had directed the learned Trial Court to conclude the trial within a year from the next schedule fixed by the learned Trial Court without granting unnecessary adjournment to either of the parties. That direction was in vain. Only 20 out of 30 witnesses have been examined till date.

Learned Counsel for the State in his usual fairness admits that there has been some delay in the progress of the trial. He, however, says that the remaining witnesses are technical in nature and it may not take much time to complete their examination.

We have seen the material in the case diary. *Prima facie*, we are of the opinion that it is not wholly in support of the prosecution case.

In any event, in view of the very very long delay in the progress of the trial and keeping in mind the importance of the fundamental right to personal liberty and speedy trial as envisaged by Article 21 of the Constitution of India, solely on the ground of delay in progress of the trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, **Rajesh Ray**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Sessions Judge, Ghatal, Paschim Medinipur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**