

09.07.2024  
Item no. 68.  
Court No.28.  
AB  
(Allowed)

**CRM (DB) 1946 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Pragati Maidan Police Station Case No.120 of 2013 Dated 20.03.2013 under Sections 147/148/149/302/307 of the Indian Penal Code

And

**In the matter of : Jyoti Roy @ Langra Jyoti  
@ Bikram Roy @ Jyoti**

**.....Petitioner.**

Mr. Ayan Bhattacharya  
Mr. Kunal Ganguly .....for the Petitioner.

Mr. Soumik Ganguly,  
Mr. Debanik Das .....for the State.

The petitioner renews his prayer for bail, which was rejected earlier by an order dated January 31, 2024. By that order, the Coordinate Bench had directed the learned Trial Court to expedite the trial and conclude the same at an early date.

The petitioner says that charge is yet to be framed. He is in custody for five years and two months. He is a disabled person. 36 Witnesses were examined by the prosecution in the trial that took place against co-accused persons. Nobody can say when the trial against him would conclude. He should be enlarged on bail on the ground of delay in progress of the trial.

Learned Advocate for the State, while opposing the prayer for bail, says that it is not the State's fault that there is delay in trial. The petitioner absconded for six years. This is a

case of 2013. The petitioner was apprehended in 2019 after Warrant of Arrest was issued. The conviction of the co-accused persons took place in 2018. They have appealed. The Lower Court Records are lying in the High Court. Therefore, the learned Trial Judge is unable to proceed with the trial against the present petitioner.

We appreciate the contentions of both sides. While it may not be any fault on the part of the State that the trial against this petitioner is still pending, yet, the paramount importance of the fundamental right of a citizen to speedy trial and personal liberty cannot be lost sight of. Five years two months is a very long period of time to keep an under-trial in incarceration when charge also has not been framed. May be it is the fault of the system. We blame nobody. However, one has to give due importance to the principles enshrined in Article 21 of the Constitution of India.

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

Accordingly, we direct that the petitioner, namely **Jyoti Roy @ Langra Jyoti @ Bikram Roy @ Jyoti** 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, 9<sup>th</sup> Court, Alipore, South 24 Parganas, 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 and/or commit any cognizable offence 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.

**(Arijit Banerjee, J.)**

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