

28.
Court
No.28

14.08.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2083 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Harwood Point Costal** Police Station Case No. **372/2021**, dated **02.11.2021** under Sections **302** of the Indian Penal Code.
And

In the matter of: - **Rajdeep Das @ Saurav Das**

...petitioner.

Mr. Ayan Basu
Mr. SAndip Kr. Mondal
Mr. Sumit Routh

...for the petitioner.

Mr. Bibaswan Bhattacharya
Mr. Sandip Kundu

...for the State.

Dictated by Partha Sarathi Sen, J.

1. Learned Advocate for the petitioner, in course of his submission, candidly admitted that though on many occasions the present accused petitioner’s bail application was rejected, but under compelling circumstances he has come up before this Court since before the learned Trial Court the progress of trial is very slow which hampers the right of the accused to get speedy trial *vis-à-vis* the right of a citizen as envisaged under Article 21 of the Constitution of India.

2. In course of his submission, learned Advocate for the State has submitted a report with regard to progress of the trial and the same is taken on record.

3. We have considered the entire materials of the case diary as placed before us. It appears that the case is based on circumstantial evidence wherein the *prima facie* involvement of

the present accused petitioner is found to be prominent. However, we are really astonished with the progress of trial, since it appears that the charge against the present accused petitioner was framed on March 28, 2022 and the evidence of PW1 was started on June 24, 2022 and the same was not concluded till July 16, 2024. It appears further that in most of the occasions the said PW1 did not turn up and on some occasions either the P.O. was on leave or that the evidence could not be taken up on account of resolution of the local Bar. We are thus really shocked with regard to the poor progress of the trial. We see it as a sufficient supervening circumstance for considering the instant application for bail in favour of the present accused petitioner. Hence, we are inclined to allow the petitioner's prayer for bail.

4. Before parting with we direct the learned Trial Court to expedite the trial.

5. Accordingly, we direct that the petitioner, namely, **Rajdeep Das @ Saurav Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24 Parganas, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2056 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)