

11.
14-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2051 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burrabazar Police Station Case No.130 of 2022 dated 07-06-2022 under Sections 419/467/468/471/120B/365/395/412/34 of the Indian Penal Code.

- A n d -

In the matter of : Sanjay Kumar Shaw

.... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Pritha Sinha

... For the Petitioner.

Mr. Rudradipta Nandy, learned APP,
Mr. Sachit Talukder

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner says that he is in custody for two years and two months. There is no progress in the trial. There was no recovery of stolen goods from him. He prays for bail.

Learned advocate for the State, while opposing the prayer for bail, says that the petitioner was the driver of the UBER car which was used to commit the crime. He was identified in the TI Parade.

We have considered the rival contentions of the parties. We find that although the charge was framed on May 19, 2023, only one out of forty witnesses has been examined and that too, in part. There is no possibility of early conclusion of the trial.

Considering the possible extent of complicity of the petitioner and also keeping in mind the inordinate delay in

progress of the trial, we are inclined to allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Sanjay Kumar Shaw**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Chief Metropolitan Magistrate, Calcutta. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure 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) 2051 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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)