

21.08.2024
Item no.40.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2170 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Chanditala Police Station Case No. 142 of 2020** dated **19.06.2020** under **Section 302** of the Indian Penal Code.

And

In the matter of : Dipankar Biswas @ Akhil Ch. Biswas.

.....Petitioner.

Mrs. Jeenia Rudra,for the Petitioner.

Mr. Sumon De,
Mr. Ronit Mukherjee,for the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State be kept with the records.
2. We find that the petitioner is in custody for about 4 years 2 months. From the report filed by the State, we see that the main reason for delay in progress of the trial is non-appearance of prosecution witnesses. The delay cannot, in any manner, be attributed to the petitioner.
3. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, notwithstanding the quantum and quality of materials that may be on record against the petitioner, we feel impelled to enlarge the

petitioner on bail only on the ground of delay in progress of trial.

4. Accordingly, we direct that the petitioner, namely **Dipankar Biswas @ Akhil Ch. Biswas** 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 Chief Judicial Magistrate, Serampore, Hooghly 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 and on further condition that the petitioner shall not leave the Hooghly district.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.

8. 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.)