

02.09.2024
Item no.28.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2195 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Sabang Police Station Case No. 167** of **2021** dated **05.05.2021** under **Sections 302/34** which was subsequently registered as CBI/SCB/Kolkata Case No.RCO562021S0046 dated 09.11.2021 under Sections 147/148/149/302/34 of the Indian Penal Code.

And

In the matter of : Joydeb Barman.

.....Petitioner.

Mr. Deba Prasad Samanta,for the Petitioner.

Mr. Anirban Mitra,
Mr. Amajit De,for the CBI.

Dictated by Arijit Banerjee, J.

1. The petitioner seeks bail on the ground that he has no involvement in the alleged crime and also on the ground of delay in progress of trial. He says that he is in custody for 2 years and 3 months. The trial has been stayed by the Hon'ble Apex Court. Only 3 out of 56 charge-sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. Hence, he should be enlarged on bail.
2. Opposing the prayer, learned advocate for CBI draws our attention to the material in the case diary. He further says that the delay, if any, in the progress of

the trial is not attributable to the prosecution.

Hence, the petitioner's prayer should be rejected.

3. It cannot be said that there is no material indicating prima facie involvement of the petitioner in the alleged crime. However, that is a matter of merits of the case. The fundamental right of a citizen to personal liberty and speedy trial is of paramount importance. We see that there is absolutely no chance of the trial concluding of an early date. Hence, solely on the ground of delay in progress of trial, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Joydeb Barman** 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 Chief Judicial Magistrate, Paschim Medinipur and on further conditions that he shall not enter the jurisdiction of Sabang Police Station under the district of Paschim Medinipur except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.

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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)