

55.
Court
No.28

21.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2212 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Chanditala** Police Station Case **No.269/2019** dated **25.06.2019** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Paresh Biswas**

...petitioner.

Mr. Pratip Mukherjee
Mr. Samrat Choudhury
Ms. Rima Banerjee

...for the petitioner.

Mr. Antarikhya Basu
Ms. Rajnandini Das

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected thrice, lastly on January 3, 2022.
2. The petitioner says that he is in custody for about three years and 11 months. Nine out of 17 witnesses have been examined. The last witness was examined in September, 2023. After that, PW10, who was proposed to be examined, has not appeared before the learned Trial Court and the Court has had to issue Warrant of Arrest. There is no chance of an early conclusion of the trial. He prays for bail.
3. While opposing the prayer for bail learned Advocate for the State draws our attention to the depositions of witnesses who

have already been examined. He says that the charge is grave. The petitioner should not be enlarged on bail.

4. We have considered the material on record. We express no opinion on the merits of the case. We see that the petitioner has been in custody for almost four years. There has been no progress in the trial during the last one year. Only on the ground of delay in trial, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Paresh Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees 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, Serampore, Hooghly, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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 Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 2212 of 2024 is accordingly disposed of.

8. 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.)

(Apurba Sinha Ray, J.)