

12.09.2024
Sl. No.76
akd
[ALLOWED]

C. R. M. (DB) 2313 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.07.2024 in connection with Chitpur Police Station Case No.207 of 2012 dated 22.08.2012 under Sections 460/302/394/411 of the Indian Penal Code.

And

In Re: **Sohrab Ghorami @ Sabir Ali Gharami**
... .. Petitioner

Mr. Biswajit Manna
... .. for the petitioner

Mr. Bitasok Banerjee
Mr. Jisan Iqbal Hossain
... .. for the State

1. It is submitted on behalf of the petitioner he is in custody for more than eleven years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial has considerably progressed. 22 witnesses have been examined. Examination of the Investigating Officer is in progress.
3. We have considered the materials on record. Petitioner is in custody for more than eleven years. All the vulnerable witnesses have been examined. Examination of the Investigating Officer is in progress. Under such circumstances, we are of the opinion further detention of the petitioner would be oppressive and in violation of his fundamental right to speedy trial under Article 21 of the Constitution of India. Hence, we are inclined to grant bail to the petitioner.
4. Therefore, the accused/petitioner, namely **Sohrab Ghorami @ Sabir Ali Gharami**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like

amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah, South 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Bhangar Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Bhangar Police Station once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)