

02.09.2024
Item no. 76.
Court No.28.
AB
(Allowed)

CRM (DB) 2357 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No.1466 of 2022 Dated 24.12.2022 under Sections 489B/489C/120B/34 of the Indian Penal Code

And

In the matter of : Promod Sahani & Anr.

.....Petitioners.

Mr. Amitabha Karmakar,
Mr. A. K. Bhowmickfor the Petitioners.

Mr. Kaushik Biswas
Ms. Sudeshna Dasfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they are in custody for one year eleven months. Only 1 out of 13 charge sheet named witnesses has been examined. The post of Presiding Officer is vacant since May, 2024. It is anybody's guess as to when the trial will conclude. They seek bail on the ground of inordinate delay in progress of the trial.
2. Opposing the prayer for bail, learned State Counsel says that Rs.1.45 Lacs worth of fake Indian currency was recovered from the petitioners. There is sufficient incriminating material against them. The other accused persons obtained adjournment on the last three occasions.

3. The prosecution may have a very good case for convicting the petitioners herein. We say nothing on merits. However, we find that only 1 out of 13 charge sheet named witnesses has been examined till date. The concerned Court is lying vacant. We do not see any possibility of an early conclusion of the trial.
4. Keeping in mind the utmost importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay in progress of the trial and seeing no possibility of the trial concluding at an early date, we allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely **Promod Sahani and Sudheer Sahani @ Sugdhir Shahani @ Sudhir Sahani** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and on further conditions that they 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.
6. The petitioners 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

and/or commit any cognizable offence in any manner whatsoever.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)