

05.08.2024.
59.
Ct.No.6.
as
(Allowed)

C.R.M. (DB) 2405 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domkal P.S. Case No.403 of 2018 dated 22.06.2018 under Sections 302/34 of the Indian Penal Code.

In the matter of : **Sainul Sk.**

.... Petitioner.

Mr. Soumya Basu Roy Chowdhuri,
Mr. Anisur Rahaman.

...for the Petitioner.

Mr. Suman De,
Ms. Puspita Saha.

...for the State.

1. Petitioner is in custody for more than six years. He submits there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for State opposes the bail prayer. He submits trial has substantially progressed.
3. We have considered the materials on record. Allegations against the petitioner are grave but he is in custody for more than six years. Prosecution evidence is not complete as yet. This shows callous indifference on the part of the prosecution to conduct trial with expedition. Most of the vulnerable witnesses have been examined.
4. Under such circumstances, we are inclined to enlarge the petitioner on bail on the ground of delay in trial.
5. Accordingly, the petitioner viz., **Sainul Sk.** 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, Murshidabad at Berhampore subject to condition that he 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 remain within Domkal Police Station except for attending Court proceeding and shall report to the Officer-in-charge, Domkal Police Station once in a week until further orders.

6. In the event the petitioner fails to appear before the trial court 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. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)