

4.
30-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2455 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Shaktigarh Police Station Case No.44 of 2019 dated 04-04-2019 under Sections 302/326A/120B of the Indian Penal Code.

- A n d -

In the matter of : Rakhi Roy

.... Petitioner.

Mr. Saibal Krishna Dasgupta,
Mr. Alminhaz Karim

... For the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Arka Chakraborty

... For the State.

Dictated by Arijit Banerjee, J.

Report filed by the State be kept with the records. Again, the report is rather vague. It says that the trial Court was vacant for some time without specifying the period.

Be that as it may, we are told that only four out of eighteen charge sheet named witnesses have been examined till date. The petitioner is in custody for about 5 years 6 months. The prosecution may have an excellent case to secure the petitioner's conviction. Nobody stands in the way of the prosecution doing so. However, one cannot abrogate a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India by

keeping him in indefinite judicial custody pending conclusion of a trial which nobody knows when will be concluded.

Solely on the ground of inordinate and unexplained delay in the progress of trial, we enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Rakhi Roy**, 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 learned Chief Judicial Magistrate, Purba Bardhaman. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of Shaktigarh Police Station except for the purpose of attending the court proceedings, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2455 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)