

24.09.2024  
Item no. 44.  
Court No.28.  
AB  
(Allowed)

**CRM (DB) 2537 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 Kulti Police Station Case No.157 of 2020 Dated 17.04.2020 under Sections 448/324/325/326/307/302/506/34 of the Indian Penal Code

And

**In the matter of : Binod Shaw                      .....Petitioner.**

Mr. Chandra Sekhar Jha,  
Mr. Aditya Kumar                      .....for the Petitioner.

Mr. Ranadeb Sengupta  
Mr. Asraf Mondal                      .....for the State.

**Dictated by Arijit Banerjee, J.**

1. Report filed on behalf of the State, be kept with the records.
2. The petitioner renews his prayer for bail, which was rejected earlier on February 1, 2023, primarily on the ground of delay in progress of the trial. He says that he is in custody for four years and five months. Only 8 out of 28 charge sheet named witnesses have been examined.
3. Learned State Counsel says that there is sufficient incriminating material against this petitioner. This petitioner was one of the accused persons, who pinned down the victim while the prime accused dealt the fatal blow. All efforts will be made to complete the trial at an early date.

4. We have considered the material on record. There prima facie appears to be some incriminating material against the petitioner. However, that is a question of merits. We notice from the order dated February 1, 2023, passed by the Coordinate Bench that while rejecting the petitioner's prayer for bail, the Bench had directed the Trial Court "to conclude the trial at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties." However, no substantial progress appears to have been made since that order was passed.
5. The paramount importance of a citizen's fundamental right to personal liberty and speedy trial can hardly be overemphasized. Such right must override all other considerations. The petitioner is in custody for about four and half years. The State says that the prosecution intends to examine 13 more witnesses. There does not appear to be any likelihood of an early conclusion of the trial.
6. Solely on the ground of delay in progress of the trial, we feel impelled to grant bail to the petitioner.
7. Accordingly, we direct that the petitioner, namely **Binod Shaw** 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 Additional Chief Judicial Magistrate,

Asansol, and on further conditions that he shall not enter the jurisdiction of Kulti Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**

