

60.
07-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2670 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 Taherpur Police Station Case No.13 of 2020 dated 01-02-2020 under Sections 302/120B/201/34 of the Indian Penal Code.

- A n d -

In the matter of : Santosh Basak @ Kata

.... Petitioner.

Ms. Sananda Bhattacharyya

... For the Petitioner.

Mrs. Anasuya Sinha, learned APP,

Mrs. Manasi Roy

... For the State.

Dictated by Arijit Banerjee, J.

On the ground of delay in progress of trial, the petitioner renews his prayer for bail which was last rejected on November 23, 2023. He says that he is in custody for more than four years four months. Only 3 out of 25 charge sheet named witnesses have been examined.

Opposing the prayer for bail, learned State advocate says that in fact, five prosecution witnesses have been examined. There is sufficient incriminating material against the petitioner.

The prosecution may have a very strong case against the petitioner. We are not on merits. We are only on the fundamental right of a citizen to receive speedy trial and right to personal liberty under Article 21 of the Constitution of

India. Such fundamental right must override all considerations.

Purely on the ground of delay in progress of trial, we feel constrained to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Santosh Basak @ Kata**, 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

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

The application for bail being CRM (DB) 2670 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)