

34.
25-11-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2725 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 Electronics Complex Police Station Case No.48 of 2021 dated 08-04-2021 under Sections 302/201 of the Indian Penal Code.

- A n d -

In the matter of : Pappu Yadav

.... Petitioner.

Mr. Susnigdho Bhattacharyya,
Mr. Ujjwal Shil,
Ms. Sarmistha De

... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Tirupati Mukherjee

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. We find that charge was framed on May 13, 2024. Not a single witness has been examined till date. There are 37 charge sheet named witnesses. There is very little possibility of early conclusion of the trial. The petitioner is in custody for about 3 years 5 months.

2. In view of the aforesaid inordinate delay in progress of the trial, keeping in mind that an undertrial's fundamental rights to speedy justice and personal liberty are paramount, on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

3. Accordingly, we direct that the petitioner, namely, **Pappu Yadav**, 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, North 24 Parganas at Barasat. 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. The petitioner shall not leave the district of North 24 Parganas, until further orders.

4. 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 bail in accordance with law without further reference to this Court.

5. The application for bail is, thus, **allowed**.

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

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

(Subhendu Samanta, J.)

(Arijit Banerjee, J.)