

38.
18-11-2024
(ct. no.29)
S. De
(Allowed)

CRM (DB) 2712 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Taltala Police Station Case No. 96 of 2022** dated **19.07.2022** under **Sections 120B/170/365/395/466/467/471/34** of the Indian Penal Code.

And

In the matter of : Prem Kumar Singh.Petitioner.

Mr. Rajeev Lochan,
Ms. Riya Jhapri,for the Petitioner.

Mr. Bibhaswan Bhattacharya.
Mr. Abhishek Verma,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on December 1, 2023. He says that he is in custody for over 2 years and 2 months. Even charge has not been framed. There are 44 chargesheet named witnesses. Trial has not even begun. There is absolutely no possibility of early conclusion of the trial. On the ground of delay in progress of trial, the petitioner renews his prayer for bail.
2. Opposing the prayer, learned State advocate says that the petitioner was identified in the T.I. parade. There is sufficient incriminating material against him. The delay in progress of trial is because of one of the accused persons absconding. A co-accused person had been granted bail. He stopped attending the trial. Warrant of arrest has been issued against him. Learned advocate further says that while rejecting the bail prayer of a co-accused person, this Bench, on June 10,

2024, requested the learned trial Court to expedite the trial and bring the same to its logical conclusion at the earliest and preferably within the period of one year from the date of communication of the order.

3. The prosecution may have an iron-cast case against the petitioner, we say nothing on merits. However, that cannot justify prolonged incarceration of the petitioner in judicial custody without taking the trial to its logical conclusion. In so far as the order dated June 10, 2024 is concerned, we find that no real progress has been made even after that order was passed. Keeping in mind the fundamental right to personal liberty and speedy trial that all undertrial persons have, purely on the ground of delay in progress of trial, we are constrained to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Prem Kumar Singh**, 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 Judge, City Sessions Court, Calcutta subject to the condition that he shall not leave the jurisdiction of Bantra Police Station, Howrah, except for attending the Court proceedings and shall meet the Officer-in-Charge, Anti Dacoity & Robbery Squad, Detective Department, Lalbazar, Kolkata Police once in a week until further orders.
5. 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 in any manner whatsoever.

6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)