

47.
18-11-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2729 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 Nakashipara Police Station Case No.255 of 2020 dated 03-06-2020 under Sections 447/326/354/302/34 of the Indian Penal Code.

- A n d -

In the matter of : Prahlad Ghosh

.... Petitioner.

Mr. Debabrata Roy,
Ms. Karabi Roy,
Mr. Soumik Ghosh,
Ms. Sarbani Mukhopadhyay
... For the Petitioner.

Mr. Joydeep Roy, learned Jr. Govt. Adv.,
Mr. Nirupam Dhali
... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than 2 years 7 months. Even charge has not been framed. There are 19 charge sheet named witnesses. On the ground of inordinate delay in progress of the trial, he renews his prayer for bail which was last rejected on May 10, 2024.

2. Opposing the prayer for bail, learned State counsel says that initially the petitioner was absconding for about two years. Then he surrendered in April, 2022. Two co-accused persons have been granted bail. Both of them absconded. Thereafter, Warrant of Arrest was issued and one of them again surrendered before the learned trial Court. The other co-accused person is still absconding. That is why, the trial

has been delayed. There is sufficient incriminating material against this petitioner. His bail prayer should be rejected.

3. The prosecution may have a very strong case for securing the conviction of the petitioner. We say nothing on merits. However, that would not justify indefinite detention of the petitioner in judicial custody with zero progress in trial. The petitioner is in judicial custody for a very long period of time. There is no possibility of an early start of the trial, let alone early conclusion. Solely, on the ground of delay in progress of trial affecting the fundamental right of the petitioner to personal liberty and speedy trial, which must override all other considerations, we are constrained to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Prahlad Ghosh**, 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, Krishnagar, 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 not enter the jurisdiction of Nakashipara Police Station except for the purpose of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the said police station, until further orders and shall inform the learned trial Court and Nakashipara Police Station his current local address where he shall be residing while on bail and shall report to the Officer-in-Charge/Inspector-in-Charge of Nakashipara Police Station once in a week, until further orders.

5. 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.

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

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

8. 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.)