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08-10-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2771 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Chetla Police Station Case No. 18 of 2018** dated **24.01.2018** under Section **302** of the Indian Penal Code.

- A n d -

In the matter of : Surajit Paul @ Babu

.... Petitioner.

Mr. Sourav Mondal,
Mr. Rony Mondal,

.... For the petitioner.

Mr. Antarikhya Basu,
Mr. Ronit Mukherjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is in custody for six years eight months. The trial is nowhere near conclusion, 8 out of 24 charge sheet named witnesses have only been examined. The petitioner is justifiably aggrieved and prays for bail on the ground of delay.

2. Opposing the bail prayer, learned State Advocate says that there is very strong material against the petitioner. All efforts will be made to expedite the trial. He also says that on several occasions adjournment was sought for by the defence counsel.

3. The very fact that adjournment was granted by the learned Trial Court would *prima facie* indicate there was sufficient ground for granting such prayer. Further, 6 years 8 months is a very long period of time to keep an under trial in judicial custody without concluding the trial.

4. Purely on the ground of delay, without making any comment on the merits of the case, we feel impelled to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Surajit Paul @ Babu**, 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 Judicial Magistrate, Alipore, South 24 Parganas subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall report to the officer in charge of the concerned police station once in a fortnight until further orders.

6. In the event the petitioner fail 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.)