

CRM (DB) 2835 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 **Thakurpukur Police Station** Case No. **233 of 2019** dated **23.10.2019** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Ashoke Roy @ Ashoke Ray

.... Petitioner.

Mr. Arindam Jana,
Mr. Soumyajit Chatterjee,
Mr. Partha Pratim Sinha,
Mr. K. Ghosh,

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. A. Bhattacharyya,,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State in court today be kept with the records.
2. From the report we find that the prosecution intends to examine 8 more witnesses.
3. The petitioner is in custody for about five years one month. This is far too long a period of time to keep an under-trial in incarceration without the trial being concluded. Solely on the ground of infraction of the petitioner's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India, without touching the merits of the case, we feel impelled to grant bail to the petitioner.
4. Accordingly, we direct that the petitioner, namely, **Ashoke Roy @ Ashoke Ray**, 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 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 concerned Police Station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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.)