

08
30-09-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2911 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 **Uttarpara Police Station Case No. 372 of 2022** dated **12.10.2022** under Sections **341/323/325/307/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Surojit Mallick @ Tublai

.... Petitioner.

Mr. Ashok Das,
Mr. Sourav Mukherjee,
Mr. Ayan De,
Mr. Hasi Jana,

... For the Petitioner.

Mr. Madhusudan Sur,
Ms. Debjani Dasgupta,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for almost two years. Only 7 out of 35 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. He claims parity with Bhaskar Roy, another accused person, who was enlarged on bail by an order dated August 21, 2024, on the ground of delay in progress of trial.

2. While opposing the prayer for bail, learned State Advocate says that trial is progressing at a rapid pace. It should be possible to conclude the trial on an early date.

3. We see that 28 charge sheet named witnesses remain to be examined. The petitioner is in custody for about two years. We are very doubtful that the trial can be concluded at an early date.

4. Solely on the ground of delay in progress of trial and without making any comments on the merits of the case, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Surojit Mallick @ Tublai**, 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 Additional Chief Judicial Magistrate, Serampore, Hooghly 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 concerned police station and shall meet the officer in charge of the concerned Police Station once in a fortnight until further orders.
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.)