

29.11.2024  
Item no.18.  
Court No.29.  
S. De  
(Allowed)

**CRM (DB) No. 3045 of 2024**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Gobardanga Police Station Case No. 113 of 2019** dated **23.07.2019** under **Section 376(2)(1)** of the Indian Penal Code.

And

**In the matter of : Nikhil Bepari.**

**.....Petitioner.**

Mr. Soumik Gangully,  
Ms. Sharmistha Das, .....for the Petitioner.

Mr. Pravash Bhattacharyya,  
Mr. Debarshi Brahma, .....for the State

**Dictated by Arijit Banerjee, J.**

1. Service report filed in Court, be kept with the records.
2. In spite of service, nobody appears for the de facto complainant.
3. The report is not of much help. However, what we gather from the report is that that charge was formed on February 29, 2020. The number of chargesheet named witnesses is 13. Till date 6 witnesses have been examined. In other words, in about five years, 6 petitioners have been examined. 7 more witnesses remain to be examined.
4. The petitioner is in custody for about 5 years and 4 months. At the pace the trial is progressing, we do not see that the same will conclude on an early date.
5. Charge against the petitioner may be grave. The prosecution may have a very strong case for securing conviction of the

petitioner. We say nothing on merits. However, it is now fairly well accepted that the fundamental right of an accused to speedy trial and personal liberty is paramount and enshrined in Article 21 of the constitution of India. Without touching the merits of the case, solely on the ground of very long detention of the petitioner coupled with inadequate progress in the trial, we feel constrained to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Nikhil Bepari** 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, Barasat, North 24-parganas, subject to the condition that the petitioner shall not leave the jurisdiction of Gobardanga police station and shall meet the Officer-in-Charge of the concerned police station once in every week until further orders.
7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.

10. 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.)**