

04.12.2024
Item no. 28.
Court No.29.
AB
(Allowed)

CRM (DB) 3322 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Taherpur Police Station Case No.156 of 2020 Dated 28.09.2020 under Sections 498A/326A/307/34 of the Indian Penal Code

And

In the matter of : Narayan Adhikary @ Nayan

.....Petitioner.

Ms. Minoti Gomes,
Ms. Shanta Sarkarfor the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Rahul Gangulyfor the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant.
2. Charge was framed in April, 2022. As of date, only 1 out of 10 charge sheet named witnesses has been examined, that too, in part. We cannot overemphasize the importance of the fundamental right of a person to speedy trial and personal liberty. However grave the alleged offence be, however strong the prosecution case be, that would not justify indefinite incarceration of an accused person without taking the trial to its logical conclusion.

3. We do not see any real possibility of an early conclusion of the trial. The petitioner has spent more than four years and two months in judicial custody.
4. On the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **NARAYAN ADHIKARY @ NAYAN** 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, Ranaghat at Nadia, and on further conditions that he 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. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)