

06.12.2024
Item no. 33.
Court No.29.
AB
(Allowed)

CRM (DB) 3103 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 Hirapur Police Station Case No.67 of 2021 Dated 09.04.2021 under Sections 302/201/120B of the Indian Penal Code

And

In the matter of : Md. Ibban

.....Petitioner.

Mr. Ayan Bhattacharya, Sr. Adv,
Mr. Kunal Ganguly,
Mr. Kaustav Banerjeefor the Petitioner.

Ms. Sreyashi Biswas,
Mr. Debarshi Brahmafor the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State, be kept with the records.
2. The report is not very helpful. It does not say how many more witnesses the prosecution proposes to examine.
3. We find that the petitioner was arrested on April 18, 2021. Charge sheet was submitted on July 13, 2021. Charge was framed on December 20, 2021. Almost three years have passed since then. Only 3 witnesses have been examined by the prosecution. There are 23 charge sheet named witnesses. Evidently, the trial cannot be concluded on an early date. There is inordinate delay in progress of the trial. The petitioner is in custody for more than three years seven months.

4. The fundamental right of an under-trial accused person to speedy trial and personal liberty can hardly be overemphasized. Without touching the merits of the case, solely on the ground of delay in progress of the trial, we feel constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely **MD. IBNAN** 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 Sessions Judge, 4th Court, Asansol, Paschim Bardhaman, and on further conditions that he shall not leave the jurisdiction of the Asansol Police Station and shall report to the Officer-in-Charge of the Asansol 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.)