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08-10-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 3104 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 **Sandeshkhali Police Station Case No. 285 of 2017** dated **06.07.2017** under Sections **376(2)(m)/326/307/377/302** of the Indian Penal Code.

- A n d -

In the matter of : Rajeswar Maity @ Bhola @ Bhola Maity
.... Petitioner.

Mr. Kallol Kumar Basu,
Mr. Jannatul Firdous,

.... For the petitioner.

Mr. Antarikhya Basu,
Mrs. N. Ahmed,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in Court today be kept with the records. In spite of receiving notice, the defacto complainant/victim has not appeared.

2. The petitioner renews his prayer for bail on the ground of inordinate delay in trial. He says that he is in judicial custody for seven years three months. 16 out of 26 charge sheet named witnesses have been examined. Nobody knows when the trial will conclude. On the touchstone of Article 21 of the Constitution of India, he prays for bail.

3. Opposing the prayer for bail, learned State Advocate says that there is very strong incriminating evidence against the petitioner. He ravished a 62 year old lady. All efforts will be made to conclude the trial at an early date.

4. We appreciate the anxiety of the petitioner. Seven years three months is far too long a period of time to keep an under trial in judicial custody without concluding the trial.

5. Solely on the ground of inordinate and unexplained delay, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Rajeswar Maity @ Bhola @ Bhola Maity**, 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, Basirhat, North 24 Parganas 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 enter the jurisdiction of the district North 24 Parganas and shall report to the officer in charge of the concerned police station once in a fortnight until further orders where he will be residing and furnish his current address to the learned Trial Court.

7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)