

12.11.2024

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Allowed

C.R.M. (DB) No. 3326 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with Durgapur Police Station Case No. 55 dated 15.02.2018 under Sections 302/201/34 of the Indian Penal Code.

And

In Re : Rajiv @ Rajib Kumar petitioner

Mr. Amajit De

.... for the petitioner

Mr. Joydeep Roy

Ms. Sanjida Sultana

.... for the State

1. Report filed in Court be kept on record.
2. Learned Counsel for the petitioner submits he is in custody for over six years. It is also submitted there is inordinate delay in trial. He prays for bail.
3. Learned Counsel for the State opposes the prayer for bail and submits trial has considerably progressed.
4. We have considered the materials on record. Petitioner is in custody for a considerable period. All the vulnerable witnesses have been examined. Case was adjourned on twenty two occasions for examination of the investigating officer, PW 19. Under such circumstances we are inclined to grant bail to the petitioner on the ground of delay in trial.
5. Accordingly, we direct the petitioner 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, Durgapur, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)