

12. 08.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 3331 of 2024

In Re: - An application for bail under 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Baguiati** Police Station Case No. **04/2021** dated **02.01.2021** under Section **302** of the Indian Penal Code, 1860.

And

In the matter of: - **Sourav Chakraborty @ Sourav @ Joy**

...petitioner.

Mr. Fazlur Rahman
Mr. Md. Babul Hussain

...for the petitioner.

Mr. P.P. Das
Mr. S. Kundu

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail on the ground of delay in trial. He says that he is in custody for about four years. Only six out of 34 charge-sheet named witnesses have been examined. After April 2023, there has been no hearing of the trial.
2. While opposing the prayer for bail learned Advocate for the State says that there is sufficient incriminating material against the petitioner. He is the sole accused person. All efforts will be made to expedite the trial.
3. The prosecution may have an iron-cast case against the petitioner. Nobody stands in the way of the prosecution securing conviction of the petitioner. However, an under-trial accused person cannot be kept in judicial custody for an indefinite period of time keeping the trial pending forever. Four years is a long period of time.

4. Keeping in mind a citizen's fundamental right to personal liberty and speedy trial, as contemplated by Article 21 of the Constitution of India, solely on the ground of delay in progress of trial, we feel constrained to enlarge the petitioner on bail. The prayer for bail is thus allowed.
5. Accordingly, we direct that the petitioner, namely, **Sourav Chakraborty @ Sourav @ Joy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above 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 being CRM (DB) 3331 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)