

05.11.2024
sdas/tkm/ct 28
sl no. 97

C.R.M. (DB) 3479 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Chitpur P.S case no. 272 of 2017 dated 3.11.2017 under section 302 IPC

And

Allowed

In Re : Sanjay Mistry @ Sanjoy Mistri ... petitioner

Mr. R Purkayastha
Ms. D Mitra
Ms. S Dutta
Mr. Jagriti Bhattacharya

..... for the petitioner

Mr. Ranabi Roy Chowdhury
Mr. Mujibar Ali Naskar

..... for the State

1. Petitioner is in custody for more than seven years. He contends there is delay in trial. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Bail prayer of the petitioner was turned down in September 2023. Thereafter, only one witness has been examined in full and another witness has been examined in part. There is slow progress in trial which has infringed the fundamental right to speedy trial of the petitioner and he is entitled to bail on this score.
4. Accordingly, the petitioner 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 ACJM Sealdah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall reside within the district of Kolkata or South 24 Parganas and provide

address where he shall reside to the investigating agency and the trial court and report to the Officer-in-Charge, Chitpur P.S once a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 3479 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)