

08.02.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 4845 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2023 in connection with Rajarhat Police Station Case No.83 of 2019 dated 29.03.2019 under Section 376(2)(L) of the Indian Penal Code.

And

In Re: ***Kanai @ Korun Naskar***

... .. Petitioner

Mr. Soumyajit Ghosal

... .. for the petitioner

Mr. Soumik Ganguli

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than 4½ years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Report is placed on record.
3. We have considered the materials on record. Vulnerable witnesses including the victim have already been examined. Prosecution proposes to examine sixteen witnesses in all. Petitioner has suffered incarceration for more than 4½ years. There is little possibility of trial concluding in the near future.
4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
5. Therefore, the accused/petitioner, namely ***Kanai @ Korun Naskar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 said 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 and on further condition that the petitioner, while on bail, shall not enter the district of North 24-Parganas except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)