

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

07.03.2024
Court No.1
(D/L 03)
(AK)

CRM (DB) 43 OF 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Siliguri Police Station Case No. 1414 of 2020 dated 07.12.2020 under Sections 302/201/34 of the IPC, 1860.

And

In the matter of: **Ismail Sardar**

... Petitioner.

Mr. Arnab Sen Gupta
Mr. Dhiraj Lakkotia
Ms. Radhika Agarwal
Ms. Meghana Joshi
Ms. Khushi Kundu

... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

...for the State.

1. The matter was kept today for the prosecution to file a status Report in view of the inordinate delay in the trial.
2. Learned counsel appearing for the prosecution does not have any credible explanation nor is there any reason stated in the Report which is filed in court today.
3. Admittedly, the charge sheet was submitted on 18th February, 2021 but charges are yet to be framed. The status Report simply states that the first hearing date was fixed on 28th July, 2023 and the second on 28th September, 2023 for production of the accused. The third hearing date was on 11th

December, 2023 and 19th March, 2024 has now been fixed for hearing and production. The records in the file show that the prosecution prayed for an adjournment on 5th January, 2024. The other orders from July to December, 2023 show no progress at all in the trial.

4. The petitioner has been in custody for over 3 years and it is not acceptable that the petitioner should remain in custody on account of the total inaction on the part of the prosecution in respect of proceeding with the trial.
5. We are hence inclined to allow the prayer for bail.
6. The petitioner shall accordingly be released on bail upon furnishing 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 Additional District and Session Judge(Fast Track Court) at Siliguri. The petitioner shall not induce or influence witnesses or tamper with evidence in any manner whatsoever. The petitioner shall not leave the local limits of the concerned Police Station during the entire period of trial without obtaining leave from the learned Court.
7. C.R.M.(DB) 43 of 2024 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)