

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**24.05.2024.
17.
as
(Allowed)**

C.R.M. (DB) 261 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalpaiguri Kotwali P.S. Case No.119 of 2017 dated 19.02.2017 under Sections 370(5)/420/417/468/120B/34 of the Indian Penal Code read with Sections 75/80/81 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

In the matter of : **Mrinal Ghosh.**

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Nilay Chakraborty, Id. A.P.P.,
Ms. Sukanya Adhikary.

...for the State.

1. Petitioner is in custody for more than seven years. In spite of direction given by the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No.10907 of 2023 trial has not concluded. Co-accused is on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits trial has substantially progressed.
3. We have considered the materials on record. Petitioner is in custody for more than seven years. By order dated 03.11.2023, the Hon'ble Apex Court in Special Leave to Appeal (Crl.) 10907 of 2023 directed trial be concluded positively within six months. However, trial has not concluded till date.

4. In view of inordinate delay in trial and protracted under-trial detention, co-accused has been enlarged on bail. Petitioner stands on the same footing and is entitled to similar relief.

5. Accordingly, the petitioner **Mrinal Ghosh** 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 Session Judge, 1st Court at Jalpaiguri subject to condition that he 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 the 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. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)