

03.12..2024
Ct. No. 01
SL No. 08
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (DB) No. 646 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Phansidewa Police Station Case No. 405 of 2021, dated 29.08.2021, under Sections 302,201 and 34 of the Indian Penal Code.

And

In the matter of: Swadesh Singha

.....petitioner.

Ms. Rima Sarkar
Ms. Sidhi Sethia
Ms. Suparna Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Ms. Namrata Das

...for the State

1. Learned advocate representing the petitioner prays for bail. The petitioner is in custody for 3 years and 2 months. The petitioner submits that 22 witnesses have been cited in the charge-sheet and the evidence of only 5 are complete. A coordinate bench had directed day-to-day trial and early conclusion of the same. There had been no progress in the trial. The petitioner contends that the entire case is based on circumstantial evidence and the petitioner is not an FIR named accused.
2. Learned advocate for the State opposes the prayer for bail and hands over the case diary.
3. Considering the materials on record, the statements of witnesses recorded under Section 161 and Section 164 of the Cr.P.C. and further considering the fact that the petitioner is in custody for more

than 3 years without any chance of early conclusion of trial, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, to the satisfaction of learned Additional Sessions Judge, 2nd Court, Siliguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further orders of the said court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not leave the jurisdiction of the trial court without permission.
5. In the event the petitioner fails to comply with the conditions as stated hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)