

35.
20-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 222 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Madhyamgram Police Station Case No.240 of 2022 dated 15-05-2022 under Sections 376/417 of the Indian Penal Code.

- A n d -

In the matter of : Subir Roy @ Bubai

.... Petitioner.

Mr. Manojit Debnath

... For the Petitioner.

Mrs. Baisali Basu,

Mr. Amanul Islam

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed in Court by the State is taken on record.

2. We find that there are 22 charge sheet named witnesses. However, the State says that the prosecution intends to examine 6 witnesses. Witness action has still not started. The petitioner is in custody for about 3 years.

3. In the aforesaid factual scenario, we see that although an appreciable period of time has elapsed and the petitioner is in judicial custody, there has been no progress in the trial.

4. Hence, without touching the merits of the case and solely on the ground of inordinate delay, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Subir Roy @ Bubai**, shall be released on bail upon furnishing

a 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 learned Chief Judicial Magistrate, Barasat, North 24 Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not also commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in every week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)