

April 02, 2025

33 ARDR

Allowed

CRM(DB) 474 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Kulti**
Police Station Case No. 157 of 2020 dated 17/04/2020 under
Sections 448/324/325/326/302/506/34 of the Indian Penal Code.

And

In Re : Dipak Shaw

... Petitioner.

Adv. Ayan Basu,
Adv. Sk. Salim,
Adv. Sumit Routh,

... for the petitioner.

Adv. Kunal Ganguly,

...for the defacto complainant.

Adv. Dipankar Mahata,

... for the State.

Report submitted by the State is taken on record.

The petitioner is in custody for about five years and prays for
bail primarily on the ground of delay in progress of the trial.

While dealing with the bail application of a co-accused Binod
Shaw, this Court, by an order passed on 1st February, 2023 in CRM
(DB) 366 of 2023 rejected the application for bail and directed the
learned trial Court to conclude the trial at an early date, preferably
within one year from the next date fixed for recording evidence
without granting unnecessary adjournment to either of the parties.
A subsequent application was filed by the co-accused Binod Shaw
and by an order dated 4th September, 2024 in CRM (DB) 2537 of
2024, this Court took into account the earlier order dated 1st
February, 2023 and granted bail to the co-accused on the ground of
delay in progress of trial. No submission has been made on behalf of
the petitioner on merits of the case.

Learned counsel for the State and the defacto complainant raise objection.

It appears that despite direction of this court, only ten witnesses out of twenty-eight charge sheeted witnesses have been examined till date. Chances of conclusion of trial in near future is bleak.

Keeping in view the right of the petitioner for speedy trial as well as personal liberty of the petitioner, this Court is inclined to hold that the petitioner ought to be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely, Dipak Shaw, be released on bail upon furnishing 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, Asansol, subject to the condition that he shall not enter the District of Paschim Burdwan except for attending the court proceedings and shall provide the address where he shall presently reside before the learned trial Court, the Investigating officer and the concerned police station where he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the learned Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application for bail is disposed of.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)