

10.03.2025
Item no. 05.
Court No.29.
AB
(Allowed)

CRM (DB) 771 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Belghoria Police Station Case No.114 of 2019 Dated 20.02.2019 under Section 448/326/307/302/34/120B of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Biswanath Maity @ TutanPetitioner.

Mr. Sumit Kr. Basu,
Mr. S. S. Basu,
Mr. Tridip Sen,
Ms. Sarmistha Naskarfor the Petitioner.

Mr. Joydeep Roy,
Mr. S. Kundufor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than six years. Only 1 out of 30 charge sheet named witnesses has been examined, that too, in part. He prays for bail solely on the ground of inordinate delay in trial.
2. Learned State Advocate, while opposing the prayer, says that the bail prayer of this petitioner was rejected earlier on five occasions. The delay in trial has been firstly, due to the COVID pandemic and secondly, since from time to time the Trial Court has been lying vacant.
3. Six years is far too long a period of time to keep an under-trial accused person in judicial custody. There

has been very little progress in the trial. We do not see any possibility of the trial concluding on an early date or within a reasonable period of time.

4. We further see that all other accused persons are on bail.
5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **BISWANATH MAITY @ TUTAN** 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 Chief Judicial Magistrate, Barrackpore, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of Barrackpore Police Station and shall report to the Officer-in-Charge of Barrackpore Police Station once in a week until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause,

the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)