

06.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 898 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Maniktala Police Station Case No. 383 dated 30.09.2012 under Sections 395/120B of the Indian Penal Code.

And

In Re : Swapan Kumar Maity

Ms. Trina Mitra

... For the Petitioner.

Mr. Soumik Ganguly

Mr. Kanchan Roy

... For the State.

Memo of evidence submitted on behalf of the State is taken on record.

The petitioner is in custody for more than 12 years and prays for bail primarily on the ground of his prolonged incarceration.

Heard learned counsels for the parties.

It appears that the petitioner is in custody for more than 12 years. 18 out of 38 witnesses have been examined so far. Chance of completion of trial in near future is bleak.

Considering the prolonged incarceration of the petitioner, this Court is of the view that he should be granted bail solely on the touchstone of Article 21 of the Constitution of India without going into the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely Swapan Kumar Maity shall 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 Additional Chief Judicial Magistrate, Sealdah subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, 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.

Case diary be returned.

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.)