

20.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 1094 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 Barasat Police Station Case No. 853 of 2017 dated 06.10.2017 under Sections 326/307/302 of the Indian Penal Code.

And

In Re : Dilip Adhikary

Mr. Biplab Roy

Ms. Rashmi Roy (Verma)

... For the Petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Sourat Nandy

... For the State.

The petitioner is in custody for more than 7 years and prays for bail on the ground of prolonged detention.

Learned counsel for the State opposes the prayer.

It appears that the petitioner is in custody for more than 7 years and 5 out of 23 witnesses have been examined so far. Examination in chief of the 6th witness is in progress. There is little chance of trial being concluded in near future.

Considering the period of detention as well as the stage of trial, the petitioner be released on bail solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Dilip Adhikary 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 Chief Judicial Magistrate, Barasat, North 24 Parganas

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 petitioners 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.

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.)