

26.06.2025

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jb.

jdt.

Allowed

C.R.M. (M) 641 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 New Alipore Police Station Case No. 138 of 2019 dated 26.06.2019 under Sections 364A/170/382/387/307/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Sanjoy Roy @ Lebu Sanjoy

Mr. Apalak Basu
Mr. Sayak Chakrabarti
Mr. Wrickbrata Roy
Mr. Iswar Das
Mr. Nistar Molla
Ms. Shiba Das
Ms. Anushka Ghosh

... For the Petitioner.

Mr. Arindam Sen
Mr. Prakash Mishra

... For the State

Mr. Jaydeep Biswas
Mr. Smitesh Chatterjee
Mr. Kaushik Ghosh
Mr. Milan Das

... For the Defacto Complainant

Learned counsel for the petitioner seeks parity with co-accused Sambhu Sawai who has been granted bail earlier solely on the ground of his period of detention. The petitioner is in custody for more than 6 years.

Opposing the prayer, learned counsels for the State and the defacto complainant submit that the petitioner is the principal accused who shot at the victim for the purpose of extortion.

I have considered the material on record.

True, the petitioner does not deserve a favourable order on merits. However, he is in custody for more than 6 years. The prosecution proposes to examine 11 more witnesses. There has been no further progress in trial of the case after prayer for bail of the co-accused was allowed on 19th May, 2025.

Considering the period of detention of the petitioner as well as slow progress in trial, this Court is inclined to hold that the petitioner is entitled to the same benefit as the co-accused on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sanjoy Roy @ Lebu Sanjoy 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, Alipore, South 24 Parganas subject to condition that he shall remain within the jurisdiction of Parnasree police station and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

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

The learned trial Court is directed to expedite the trial without granting any unnecessary adjournment to either of the parties.

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.)