

34.
28-10-2025
(ct. no.446)
debajyoti
(allowed)

CRM (M) 1726 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Itahar Police Station Case No.223 of 2022 dated 08-04-2022 under Sections 498A/302/306/34 of the Indian Penal Code.

- A n d -

In the matter of : Kartick Roy

.... Petitioner.

Mr. Navanil De,
Mr. Srijan Ghosh

... For the Petitioner.

Mr. Prasun Kumar Datta, learned APP,
Mr. Nirupam Dhali

... For the State.

1. The present petitioner is the father-in-law of the victim lady. His bail prayer was rejected on September 02, 2024. The Division Bench directed the learned trial Court to expedite the trial and conclude the same at an early date but positively within eight months from the next date fixed for recording of evidence. Further, liberty was given to the petitioner to renew his prayer for bail in case the trial is not concluded within the time period indicated in that order. Accordingly, this petition has been filed before this Court.

2. Learned advocate, appearing for the petitioner, further submits that the petitioner is falsely implicated in this case.

3. Learned prosecution raises strong objection and drawn attention of this Court to the statement made under Section 164 of the Code of Criminal Procedure by an independent witness. Report filed by the State is taken on record.

4. Perused the material in the Case Diary. The contents of the FIR *prima facie* show that the deceased committed suicide. However, after completion of investigation, charge sheet was submitted under Sections 498A/302/306/34 of the Indian Penal Code. The present petitioner is in custody for 3 years 6 months 21 days. Out of 18 charge sheeted witnesses, 11 witnesses have been examined. At this stage, considering the entire facts and circumstances of the case and the extent of complicity of the petitioner in this case as well as the period of detention and that there is remote possibility of conclusion of trial at an early date, this Court is inclined to allow the prayer of the petitioner for bail on the following conditions.

- a) The petitioner, namely, **Kartick Roy**, shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj.
- b) The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever.
- c) The petitioner shall appear before the Officer-in-Charge/Inspector-in-Charge of the local police station once in a week, until further orders.

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

6. The application for bail is, thus, **allowed**.

7. It is pertinent to mention here that from the order sheet it transpires that the learned trial Court is fixing single day for taking evidence when it is the usual procedure that a schedule shall be fixed for taking evidence of all the prosecution witnesses and in serious cases, preferably, a day-to-day hearing should be fixed. It is further submitted that the court is lying vacant since 17th May, 2025. Despite having a specific direction on the learned trial Court to spare no effort to expedite the trial, no effort has been made which is clear from the order sheet filed before this Court. Be that as it may, the learned trial Court who is in charge of the said court is further directed to comply with the direction passed by the Division Bench of this Hon'ble Court so long the regular P.O is not posted.

8. Accordingly, let a copy of this order be communicated to the learned trial Court by the department. Petitioner is also directed to communicate this order to the learned trial Court.

A copy of the order be communicated to the Learned Registrar Judicial Service for information

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

11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]