

27.02.2025
Item No.35
Court No.26
Allowed
CHC

CRM (DB) 4399 of 2024

In re : An Application for **Bail** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Corresponding to Section 439 of the Code of Criminal Procedure), in connection with **Deganga** Police Station Case No. **646** of **2016** dated **21.09.2016** under Sections **498A/326/307/34** of the Indian Penal Code and under Sections 3/ 4 of the Dowry Prohibition Act and Chargesheet submitted under Sections 498A/304B/302/34 of the Indian Penal Code.

-And-

In the matter of : Gopal Mistri

... ... Petitioner

Mr. Angshuman Chakraborty, Advocate
... ... *For the Petitioner*

Mr. Suman De, Advocate
Mr. Tirthankar Dhali, Advocate
... ...*For the State*

1. Petitioner is in custody in excess of 8 years 6 months.
2. Trial is yet to be concluded.
3. Last order of rejection required the trial to be concluded within a specified time. Trial could not be completed within such specified time. Delay of trial cannot be attributed to the petitioner.
4. Considering the period of detention of the petitioner and the fact that, trial is yet to conclude, purely on the principles of Article 21 of the Constitution of India, we grant bail to the petitioner.
5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
7. The prayer for bail of the petitioner is **allowed**.
8. CRM(DB) 4399 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)