09.11.2026
Ct. No. 07
Item No.4 DL
Sws.M/Rup
Allowed

CRM(M) 2918 of 2026

In Re : An Application under Section483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Dumdum Police Station Case No. 70 of 2024 dated 19.02.2024 under Sections 302/120(B)/34 of the Indian Penal Code, 1860 corresponding to GR No. 1300 of 2024 pending before the learned Additional Sessions Judge, 1st Court, Barrackpore, North 24 Parganas.

And

In Re :SWAPAN MAKAL@ MAKHAL @ BIDESH

.....petitioner

Mr. Soubhik Mitter
Mr. Joy Chakraborty
Mr. Sandip Dinda

... For the Petitioner.

Mr. Gouranga Kr. Das, ld. APP
Mr. Madan Mohan Roy
Mr. S. Gupta

... For the State

Mr. Mitter, learned Advocate appearing on behalf of the petitioner, submits that the petitioner has been in custody for more than two years, eight months and twenty days, but the trial has not yet commenced and even the charge has not been framed.

He further submits that only two persons, including the petitioner, have so far been apprehended by the investigating agency and are presently in custody, while the remaining accused persons are still absconding. He points out that, by way of a supplementary charge-sheet, three other persons have subsequently been arraigned as accused in the case. In support of his prayer for bail, he places reliance upon an unreported decision of the Hon'ble Supreme Court of India in SLP (Crl.) No. 7502 of 2026 (Sahil Monaj

Machare vs. The State of Maharashtra), wherein, taking note of the fact that the trial had not commenced despite the lapse of almost four years, the Hon'ble Apex Court was pleased to enlarge the accused on bail.

Mr. Das, learned Additional Public Prosecutor appearing for the State produces the case diary and opposes the prayer for bail.

Heard the learned advocates for the respective parties. Perused the case diary and other materials including the PM report.

The petitioner was arrested on 11th March, 2024. Since then, the trial has not commenced and even the charge has not yet been framed. Having regard to the aforesaid submissions and the prolonged incarceration suffered by the petitioner without commencement of the trial, I am of the view that the petitioner's right to a speedy trial, guaranteed under Article 21 of the Constitution of India, has been infringed. In such circumstances, I am inclined to enlarge the petitioner on bail, subject to the imposition of appropriate conditions.

Accordingly, the prayer for bail is **allowed**.

The petitioner, namely **SWAPAN MAKAL@ MAKHAL @ BIDESH** shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, one of whom must be local subject to the satisfaction of the learnedAdditional Chief Judicial Magistrate, Barrackpore, North 24 Parganas. The petitioner shall not tamper with evidence or intimidate witnesses in any manner whatsoever. In case such condition is not complied with, the State shall be at liberty to take appropriate steps for cancellation of bail.

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.

(Partha Sarathi Chatterjee, J.)