

26.07.2021
Ct. No. 32
31
sdas
Allowed

C.R.M. 3477 of 2021
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with SC No. 15(2) of 2020 arising out of Canning Police Station Case No. 91 of 2019 dated 25.02.2019 under Sections 302/34 of the Indian Penal Code.

And

In Re : Ramjan Molla alias Romjan Molla petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
.....for the petitioner

Mr. Nequive Ahmed, Id. A.P.P.
Mr. Binoy Kumar Panda
Ms. Amita Gaur
....for the State

Mr. Debajyoti Deb
.... for de facto complainant

The petitioner is one of the six accused persons. The charge is under Sections 302/34 of the Indian Penal Code.

Learned Counsel appearing for the petitioner submits that four out of six accused persons have already been enlarged on bail. It is also submitted that the petitioner has been in custody for 856 days. Although charge-sheet has been submitted, charges are yet to be framed. There are 18 witnesses. It will take a long time before the trial may commence and conclude. Therefore, the petitioner prays for bail.

Learned Counsel appearing for the State submits that the co-accused persons who were granted bail stood on a different footing. Mobile phone of the victim has been recovered from the petitioner. He is the principal accused. It is also submitted that delay in framing of charges or commencement of the trial is not attributable to the State.

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

We have considered the material in the case diary. We do not think that it is necessary to apportion the responsibility for the delay amongst different parties. In the pandemic situation, it is quite possible that there has been some delay. However, 856 days is a long time. Investigation is complete. Further custodial detention of the petitioner may not be necessary. Hence, we are inclined to enlarge the petitioner on bail, however, subject to stringent conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, South 24 Parganas at Alipore and on further conditions that the petitioner shall not enter the jurisdiction of the Canning Police Station until further orders save and except for attending Court proceedings and shall furnish his residential address where he could be residing to the learned trial court. He shall also report to the Officer-in-Charge of concerned police station within whose jurisdiction he shall reside once in a fortnight until

further orders. The petitioner shall appear before the 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.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3477 of 2021 is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)