

(Via Video Conference)

CRM 3905 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Golabari Police Station** Case No. **100 of 2015** dated **29.01.2015** under Sections **341/323/325/307/302/506/34** of the Indian Penal Code Act.

- A n d -

In the matter of : Lal Bahadur Rai

.... Petitioner.

Mr. Milan Mukherjee, Sr. Adv.
Mr. B. Manna,

... For the Petitioner.

Mr. Sudip Ghosh,
Mr. A. k. Datta,
Mr. B. Banerjee,

... For the State.

There is no doubt that the charges against the petitioner are grave. He has been in custody for about 6 and half years. Eight out of forty seven witnesses have only been examined. Nobody can say with any degree of certainty as to when the trial shall conclude.

The State says that the petitioner's prayer for bail was rejected lastly on 23rd April, 2020. The State says that in view of the gravity of the charge and the extent of the incriminating material, the petitioner's prayer ought not to be allowed.

We have considered the facts and circumstances of the case. We cannot lose sight of Article 21 of the Constitution. Liberty is the second most important thing for a person after life. Six and half years is a very long period of

time. It is anybody's guess as to when the trial shall conclude.

Accordingly, we are inclined to allow the petitioner's prayer for bail but on 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, Howrah and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a week 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)