

07.10.2021
Item no.35.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 6598 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2021 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

And

In the matter of : Anand Prasad Petitioner.

Mr. S. Basu Roychoudhury for the Petitioner.

Mr. Madhusudan Sur, Id. APP,
Mr. Monoranjan Mahato for the State.

There is no doubt that the charges against the petitioner are grave. He has been in custody for about 6 years 7 months. 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 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 years and seven months 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, namely Anand Prasad 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 and/or commit any cognizable offence 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

