

22.07.2022.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2389 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Binpur P. S. Case No.12 of 2020 dated 15.02.2020 under Sections 121/121A/122/124A read with Section 120B of the Indian Penal Code and under Sections 20/16(1)(a)/16(1)(b)/18/38/39 of the Unlawful Activities (Prevention) Act and under Section 3 /4 of the Explosive Substances Act and under Sections 25(1)(b) of the Arms Act and Section 302 read with Section 120B of the Indian Penal Code.

In the matter of : Ramasi Hansda.

.... Petitioner.

Mr. Kaushik Gupta,
Mr. Arijit Bhusan Bagchi.

...for the Petitioner.

Mr. Neguive Ahamed, Id. A.P.P.,
Ms. Ayantika Ray.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for twelve years and two months. Co-accuseds similarly circumstanced with the petitioner have been enlarged on bail.

Learned Additional Public Prosecutor for the State opposes the prayer for bail. He submits allegations are very grave involving murder of 24 Eastern Frontier Rifle Police personnel.

We have considered the materials on record. No doubt allegations are very grave. However, petitioner has suffered undertrial detention for a protracted period for over twelve years.

Report is placed before us wherein it appears that delay in trial is for non-production of undertrials from correctional home. Prayer has been made for issuance of direction to conduct trial through video conferencing. We fail to appreciate why such exercise has not been undertaken earlier by the trial court. It is nobody's case that the accused persons including those who are on bail had contributed to the delay. It is the constitutional duty of every court considering the prayer for bail of an accused to balance gravity of the offence vis-a-vis the period of undertrial detention suffered by an accused.

In the present case undertrial detention suffered by the petitioner has exceeded more than 12 years and such delay was not engineered at the behest of the petitioner. Institutional failure to produce the accuseds from the correctional home cannot lie at the doorstep of the petitioner. Co-accuseds similarly circumstanced with the petitioner have been enlarged on bail in CRM 3226 of 2019, CRM 374 of 2020, CRM 6233 of 2021, CRM (DB) 1321 of 2022 and CRM (DB) 2050 of 2022.

In the light of the aforesaid discussion and for the reasons incorporated in the orders in CRM 3226 of 2019, CRM 374 of 2020, CRM 6233 of 2021, CRM (DB) 1321 of 2022 and CRM (DB) 2050 of 2022, we are inclined to enlarge the petitioner on bail subject to strict conditions.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipore

subject to condition that he shall appear before the trial court on every date of hearing until further orders and on condition while on bail petitioner shall remain within the jurisdiction of Salboni Police Station and shall report to Officer-in-charge, Salboni Police Station once in a week until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition while on bail.

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

Trial court is directed to take the trial on a day to day basis and avail of video conferencing facilities as and when necessity and conclude the trial possibly within one year from the next date fixed before it without granting unnecessary adjournment to either of the parties.

Copy of this order be sent down to the trial court for necessary compliance.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)