

58.
16-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1458 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No.232 of 2022 dated 01-06-2022 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Bablu Sardar

.... Petitioner.

Ms. Shabana Hasin,
Ms. Samima Akter Banu,
Ms. Neha Roy

... For the Petitioner.

Mr. Anand Keshri,
Mr. Sourat Nandy

... For the State.

We are told that charge was framed yesterday (July 15, 2024).

In our earlier order dated June 13, 2024, we have recorded that the petitioner is unwell. He is under medical treatment. He is aged about 58 years. Witness action has not yet begun. There are 20 witnesses named in the charge sheet. The petitioner is already in custody for about 1 year 6 months. There is little possibility of the trial coming to an early conclusion. We are told that the other accused persons are also on bail.

A citizen's fundamental right to personal liberty and speedy trial has been emphasized in several decisions of the Hon'ble Apex Court. Keeping in mind the same and seeing that there is no real possibility of early conclusion of the trial and also in view of the health condition of the petitioner as also the fact that the other accused persons are on bail, we are of the opinion that the petitioner should be granted bail.

Accordingly, we direct that the petitioner, namely, **Bablu Sardar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, 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 (DB) 1458 of 2024 is, thus, **allowed**.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)