

D/L. 61.
13.06.2024.
MNS/MB

CRM (DB) 1612 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.05.2024 in connection with Hogalberia Police Station Case No. 27 of 2019 dated 23.02.2019 under Sections 447/325/326/307 of the Indian Penal Code.

And

In the matter of: Nripen Halder

.... Petitioner

Mr. Asraf Mondal,
Md. Bani Israil

... for the petitioner.

Mr. Arindam Sen,
Ms. Baishakhi Chatterjee

... for the State.

The petitioner is in custody for more than five years. Charge sheet was filed in 2019. Charge was framed in December, 2021. Till date, one out of fourteen witnesses has been examined. This is an extremely sorry state of affairs and absolutely shocking. The prosecution has taken no interest at all in proceeding with the matter even with minimum diligence. The petitioner is fifty-one years of age. He is in incarceration for five important years of his life.

The petitioner may be the worst possible criminal, we are not on that. However, every citizen has a right to speedy trial. This is a corollary to the right to personal liberty enshrined in Article 21 of the Constitution of India. Such right of the petitioner has been flagrantly breached by the State in the present case. Therefore, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, Nripen Halder, 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, 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 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 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.

CRM (DB) 1612 of 2024 is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)