

CRM (DB) 1794 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliganj Police Station** Case No. **127 of 2023** dated **06.03.2023** under Sections **157/148/149/326/307/353/333** of the Indian Penal Code and Sections 4/5/6 of the Explosive Substances Act and Section 9 of the Maintenance of Public Order Act and Section 4 of the Prevention of Damage to Public Property Act.

- A n d -

In the matter of : Ersad Mondal @ Ershed Mondal & Ors.

.... Petitioners.

Mr. Bikash Ranjan Bhattacharyya,
Mr. S. Majumder,
Ms. Sangeeta Chakraborty,

... For the petitioners.

Mr. Imran Ali,
Ms. Puja Goswami,

... For the State.

The petitioners are in custody for about one year and three months. Charges are under various sections of Indian Penal Code, Explosive Substances Act, Maintenance of Public Order Act and Prevention of Damage to Public Property Act. Charge has not yet been framed.

On June 20, 2024, we had been told by the State that June 25, 2024, has been fixed as the date for consideration of charges. Accordingly, we had adjourned the matter to see what progress is made.

Today, we are told that charge was not framed on that date. The reason furnished is completely unacceptable to see.

Learned Advocate for the State strongly opposes the prayer for bail. He says that the injuries suffered by the victim are grievous.

There may be very very strong and clinching evidence against the petitioners, we do not make any comment on that nor are we concerned therewith at this stage. We only say that a citizen's fundamental right to speedy trial and personal liberty is being abrogated.

We further see that there are 32 charge sheet named witnesses. Charge has not yet been framed. There is a no chance of an early conclusion of the trial.

Hence, solely on the ground of delay in progress of trial, we are inclined to allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners, namely, **Ersad Mondal @ Ershed Mondal, Khorsed Mondal and Habu @ Gajlur Rahaman Sk @ Gajlur Rahaman**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Krishnagar, Nadia and on further conditions that they 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 petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)