

CRM (DB) 1864 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhubulia Police Station** Case No. **52 of 2022** dated **28.01.2022** under Sections **376(2)(I)** of the Indian Penal Code.

- A n d -

In the matter of : Jan Ali Biswas

.... Petitioner.

Mr. P. Mukherjee,

... For the Petitioner.

Mr. S. S. Imam,

Mr. S. Bhakat,

... For the State.

The petitioner says that he is in custody for two years and eight months. 11 out of 18 witnesses have been examined. Still a long period of time may be taken for conclusion of the trial. The DNA report has not been made available to him.

Learned Advocate for the State produces a copy of the DNA report. The same does not support the case of the prosecution.

In any event, two years and eight months is a long period of time for keeping an under trial in incarceration. The fundamental right to personal liberty and speedy trial cannot be lost sight of.

Therefore, we are inclined to enlarge the petitioner on bail but on stringent conditions.

Accordingly, we direct that the petitioner, **Jan Ali Biswas**, 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, Krishnagar, 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.

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.)