

29.
19-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1942 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Police Station Case No.332 of 2019 dated 12-10-2019 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Krishna Rajbhar @ Rakesh @ Mamu & Anr.
.... Petitioners.

Ms. Sananda Bhattacharyya
... For the Petitioners.

Ms. Anasuya Sinha, learned APP,
Ms. Madhumita Basak
... For the State.

Report filed by the State be kept with the records. As of date, 7 out of 35 witnesses have been examined. The report says that it will take approximately six months' time to conclude the trial.

The petitioners have been in custody already for about 4 years 9 months. This is a very long period of time. The right to personal liberty and speedy trial, of a citizen of this country, cannot be undermined at any cost. Although the report says that the trial may be concluded within six months, we are skeptical about such statement. We do not see how the remaining 28 witnesses can be properly examined within six months.

Without entering the merits of the case, purely on the ground of inordinate and unexplained delay in progress of the trial, we enlarge the petitioners on bail, but on stringent conditions.

Accordingly, we direct that the petitioners, namely,
Krishna Rajbhar @ Rakesh @ Mamu and Madhab Das, shall

be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Ranaghat, Nadia. 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. The petitioners shall not enter the jurisdiction of Ranaghat Police Station except for the purpose of attending the court proceedings and meeting the Officer-in-Charge of Ranaghat Police Station and shall report to the Officer-in-Charge of Ranaghat Police Station once in every week until further orders. The petitioners shall furnish, through their learned counsel, the learned trial Court and the Officer-in-Charge of Ranaghat Police Station their current local addresses where they would be residing while on bail.

In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1942 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.)