

16.
Court
No.28

10.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1924 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Duttapukur Police Station Case No.672 of 2020** dated **15.09.2020** under Sections **302/201/120B** of the Indian Penal Code and.
And

In the matter of: - **Soumen Mondal**

Mr. Angshuman Chakraborty, Adv.,
Mr. Shashanka Shekhar Saha, Adv.,
Mr. Samarjit Sengupta, Adv.

...petitioner.

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP,
Mr. Aslam Parvez, Adv.

...for the State.

The petitioner says that he is in custody for three years and 11 months. Only 10 out of 20 witnesses have been examined. It is anybody’s guess as to when the trial will conclude. He prays for bail on the ground of delay in progress of the trial.

Learned Additional Public Prosecutor for the State, while opposing the prayer for bail, draws our attention to the evidence of PW3 and PW4. We have seen the same. It cannot be said that the evidence is so strong that it can be said that the petitioner will be definitely convicted.

In any event, three years and 11 months is a very long period of time to keep an under-trial in incarceration. One cannot be oblivious of the paramount importance of a citizen’s

fundamental right to personal liberty and speedy trial as contemplated under Article 21 of the Constitution of India.

Therefore, on the ground of delay in progress of the trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Soumen Mondal** 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 the learned Chief Judicial Magistrate, North 24-Parganas at Barasat, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 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 any 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 being CRM (DB) 1924 of 2024 is accordingly allowed and disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)