

## CRM (DB) 1979 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gangarampur Police Station** Case No. **23 of 2021** dated **19.01.2021** under Sections **341/326/307/302/34** of the Indian Penal Code and Section 3/4 of the Explosive Substances Act.

- A n d -

**In the matter of : Arun Das**

.... Petitioner.

Mr. Milan Mukherjee,  
Mr. Rahul Ganguly,

... For the petitioner.

Ms. Minoti Gomes,  
D. Pramanick,

... For the State.

The petitioner is in custody for two years and eleven months. The case has been committed as recently as on July 2, 2024. There are 36 witnesses named in the charge sheet. The petitioner says that there is absolutely no chance of the trial concluding within a reasonable period of time. His fundamental right to speedy trial and personal liberty is being completely negated. He prays for bail.

Learned Advocate for the State, while opposing the prayer for bail, says that 8 out of 26 accused persons are absconding. Proclamation has been issued. There is sufficient incriminating evidence against this petitioner. He should not be granted bail.

We have considered the rival contentions of the parties. There may be clinching evidence against the petitioner, we are not on that. However, we also note that 15 accused persons are on bail

including the persons from whom possession arms were recovered.  
There was no recovery from this petitioner.

That apart, the fundamental right of the petitioner to speedy trial and personal liberty cannot be lost sight of. Purely on the ground of delay in progress of trial, we enlarge the petitioner on bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Arun Das**, 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, Gangarampur at Buniadpur, Dakshin Dinajpur 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. )**