

CRM (DB) 1963 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gariahat Police Station** Case No. **13 of 2021** dated **09.01.2021** under Sections **120B/395/397** of the Indian Penal Code.

- A n d -

In the matter of : Firoz Mollick @ Mizu

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Kaustav Das,

... For the Petitioner.

Mr. Ranadeb Sengupta,
Ms. Suchismita Dutta,

... For the State.

The report filed by the State be kept with the records. We find that the prosecution has taken adjournment on more occasions than the defence. Hence the defence cannot be wholly blamed for the delay in progress of the trial.

Three years and one month is a long period of time to keep an under trial in incarceration. Only 2 out of 36 witnesses have been examined in full, we are told. The third witness has been examined partly. We do not see how the trial can conclude at an early date.

Keeping in mind the paramount importance of personal liberty and right to speedy trial of a citizen of this country, solely on the ground of inordinate delay in progress of trial, we allow the petitioner's prayer for bail but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Firoz Mollick @ Mizu**, 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, Alipore, South 24 Parganas and on further conditions that he shall not leave the jurisdiction of the Bagnan Police Station except for the purpose of attending court proceeding and shall report to the Anti Dacoity Section, Lalbazar once in a week 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.)