

22.
26-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1988 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khardah Police Station Case No.814 of 2021 dated 10-12-2021 under Sections 364/120B/302/201 of the Indian Penal Code.

- A n d -

In the matter of : Sreedam Das @ Sridam Das & Anr.
.... Petitioners.

Mr. Debasis Kar
... For the Petitioners.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Bitashok Banerjee,
Mr. Dipankar Mahata
... For the State.

Report filed by the State be kept with the records.

The petitioners are in custody for 2 years 8 months. Out of 33 charge sheet named witnesses, not even a single witness has been examined till date. The petitioners pray for bail purely on the ground of delay in trial.

While opposing the prayer for bail, learned Public Prosecutor points out the incriminating evidence against the petitioners. He says that there is clinching evidence against the petitioners. It is not the State's fault that the trial has not progressed. The trial Court is lying vacant.

We have considered the contentions of the parties. The prosecution may have the strongest possible evidence against an accused person. That would not entitle the prosecution or anybody else to keep the under-trial in custody for an indefinitely long period of time pending disposal of the trial. A citizen's fundamental right to speedy trial and

personal liberty is of paramount importance and the same overrides all other considerations.

Hence, solely on the ground of inordinate delay in progress of the trial, for which the petitioner cannot be made responsible to any extent, and seeing that there is no possibility of an early conclusion of the trial, we are inclined to entertain the petitioners' prayer for bail, but on stringent conditions.

Accordingly, we direct that the petitioners, namely, **Sreedam Das @ Sridam Das** and **Hussan Sekh @ Pradip**, 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, Barrackpore. The petitioners shall appear before the learned 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. They shall report to the Officer-in-Charge of Khardah Police Station once in every week, until further orders. The petitioners shall not enter the jurisdiction of North 24 Parganas except for the purpose of attending the court proceedings and meeting the Officer-in-Charge of Khardah Police Station. The petitioners shall furnish, through their learned advocate, the learned trial Court and the Officer-in-Charge of Khardah 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) 1988 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.)