

CRM (DB) 2037 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Nakashipara Police Station** Case No. **65 of 2021** dated **13.02.2021** under Sections **341/324/325/326/307/34** of the Indian Penal Code.

- A n d -

In the matter of : Tomejuddin Sk

.... Petitioner.

Mr. Khalid Hasan,
Mr. N. Ahmed,
Mr. M. Desai

... For the Petitioner.

Mrs. Minoti Gomes,
Mr. D. Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.:

The petitioner renews his prayer for bail which was rejected on several occasions earlier.

The petitioner says that he has been falsely implicated. By an order dated October 17, 2022, passed by a Coordinate Bench on an application of two co-accused persons, a direction was issued for completion of the trial within four months from the next date fixed for trial. Almost two years have elapsed since then. Only one witness has been examined. He is in custody for two years and five months.

Learned Advocate for the State while opposing the prayer for bail, says that there is very strong evidence against this petitioner. The charge is grave. July 24, 2024 was fixed as the date for examination of witnesses. 15 witnesses will be examined.

Whatever be the strength of the prosecution case, no under-trial can be kept in incarceration indefinitely. Two years and

five months is a long period of time. We see so possibility of an early conclusion of the trial.

Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Tomejuddin Sk**, 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, Krishnagar, Nadia 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 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.)