

18.09.2024
Item no.16.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2268 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Taherpur P.S. Case No. 210 of 2019** dated **03.09.2019** under **Sections 341/302/34 of the Indian Penal Code, 1860, and Sections 25/27 of the Arms Act.**

And

In the matter of : Krishna Mondal @ Krishna.

.....Petitioner.

Mr. Snehansu Majumder,for the Petitioner.

Ms. Ratna Ghosh,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on more than one occasion, lastly on July 27, 2021. By the order dated July 27, 2021, while rejecting the bail prayer, a co-ordinate Bench requested the learned Trial Court to expedite the trial and bring the same to its conclusion as early as possible.
2. The petitioner says that there has been no progress in the trial at all. Witness action has not begun. He is in custody for about 5 years.
3. The State has filed a report pursuant to our earlier order dated September 2, 2024. From the report we

do not see that the petitioner can be made responsible for the delay in progress of the trial.

4. There are 29 charge-sheet named witnesses. Charge-sheet was submitted on December 10, 2019. Charge was framed on February 5, 2021. Nothing has happened after that. There is no possibility of early conclusion of the trial.
5. Keeping in view the paramount importance of the fundamental right to personal liberty and speedy trial that a citizen of this country has, solely on the ground of inordinate and unexplained delay in the trial, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Krishna Mondal @ Krishna** 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia and on further conditions that he shall not leave the jurisdiction of the Ranaghat police station and shall report to the Inspector-in-Charge of the Ranaghat police station once in a week until further orders.
7. 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.

8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)