

02.09.2024
Item no. 23.
Court No.28.
AB
(Allowed)

CRM (DB) 2140 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Panchasayar Police Station Case No.20 of 2020 Dated 17.3.2020 under Sections 302/120B/34/324/212 of the Indian Penal Code

And

In the matter of : Susanta Kirtania @ Dholu

.....Petitioner.

Mr. Milan Mukherjee, Sr. Adv,
Mr. N. Ahmed,
Mr. Binay Shaw,
Ms. Sanghamitra Mridhafor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Anand Keshri,
Mr. Ashraf Alifor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner is in custody for about four years five months. There are 94 charge sheet named witnesses.
2. The State says that the prosecution intends to examine about 40 witnesses. 18 witnesses have already been examined.
3. Learned Public Prosecutor says that there is sufficient incriminating evidence against this petitioner. His involvement in the gruesome murder of the victim is clear.
4. The prosecution may have a very strong case. We do not make any comment on merits. However, the paramount

importance of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution can hardly be overemphasized. The petitioner is in custody for about four and half years. There is no possibility of an early conclusion of the trial. The fundamental right of a citizen under Article 21 must override all other considerations.

5. Hence, solely on the ground of delay in progress of the trial, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Susanta Kirtania @ Dholu** 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, South 24 Parganas at Alipore, 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.
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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)