

02
30-08-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2207 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chinsurah Police Station** Case No. **98 of 2021** dated **21.02.2021** under Sections **376/506/509/384/34/354B** of the Indian Penal Code.

- A n d -

In the matter of : Suman Mondal

.... Petitioner.

Mrs. Jeenia Rudra,

... For the Petitioner.

Mrs. Minoti Gomes,

Mr. Ronit Mukherjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected on merits earlier on two occasions, last on February 5, 2024. He renews his prayer primarily on the ground of inordinate delay in progress of the trial.

2. Learned Advocate for the State produces the case diary and draws our attention to the material therein. She also draws to our attention the depositions of the witnesses examined so far by the learned Trial Court.

3. There appears to be some incriminating evidence against the petitioner. However, he does not appear to be the prime accused. In any event, he is in custody for more than three years and six months. Only 8 out of 18 charge sheet named witnesses have been examined. It is anybody's guess as to when the trial will conclude. We are told that the court is lying vacant.

4. Keeping in mind the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial, without commenting on the merits of the case, solely on the ground

of delay in progress of the trial, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Suman Mondal**, 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 Sessions Judge, Fast Track, 2nd Court, Hooghly and on further conditions that he shall not enter the jurisdiction of the district of Hooghly except for the purpose of attending court proceedings and shall give his current address to the Officer-in-Charge of the Police Station within which he will reside and shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.**)