

05.
Court
No.28

05.09.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2222 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kaliganj** Police Station Case No. **242/2022** dated **22.4.2022** under Sections **341/326/307/302/34** of the Indian Penal Code.
And

In the matter of: - **Hossain Sk** ...petitioner.

Mr. Sandip Chakraborty
Mr. Balaram Dutta
Mr. Kaustav Das ...for the petitioner.

Ms. Debolina Das ...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected on more than one occasion. The last rejection was on July 3, 2023, passed in CRM (DB) 2424 of 2023. Learned Advocate for the petitioner says that since then there has been no progress. Out of 42 charge-sheet named witnesses, not a single witness has been examined till date. There are 17 accused persons. The petitioner is a septuagenarian and is in custody for about two years and seven months.
2. While opposing the prayer for bail, learned Advocate for the State says that there is sufficient incriminating evidence against this petitioner. His bail prayer has been rejected on several occasions. All attempts will be made to expedite the trial.

3. From the facts and circumstances noted above, we see that there is no chance of an early conclusion of the trial. Not a single witness out of 42 charge-sheet named witnesses has been examined till date although charge was framed on April 19, 2024. We must give due importance to the fundamental right of a citizen to personal liberty and speedy trial. Such right must override all other considerations.
4. In view of the aforesaid, without commenting on the merits of the case and solely on the ground of undue delay in the progress of the trial and prolonged detention of the petitioner, we allow this application for bail.
5. Accordingly, we direct that the petitioner, namely, **Hossain Sk** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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 any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 2222 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)