

CRM (DB) 2314 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Raninagar Police Station Case No. 374 of 2021** dated **16.08.2021** under Sections **341/325/326/307/302/120B/34** of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substance Act.

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In the matter of : Nasiruddin Sekh @ Nasiruddin Sk @ Nasiruddin Mondal @ Kalu

.... Petitioner.

Mr. Milon Mukherjee,
Mr. Tapodip Gupta,

... For the Petitioner.

Mr. Avishek Sinha,
Ms. Sudeshna Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. The petitioner says that he is in custody for about three years two months. Only 21 out of 55 charge sheet named witnesses have been examined. On the ground of delay in progress of trial, he renews his prayer for bail.
3. Learned State Advocate while opposing the prayer for bail, draws our attention to the depositions of some of the witnesses examined so far. He says that the petitioner has been clearly implicated by eye witnesses. Fire arms were also recovered from the petitioner. The State proposes to examine 10-12 more witnesses. Therefore, a reasonable time period be granted within which the trial may be concluded.
4. We have considered the rival contentions of the parties. Our attention has been drawn to an order dated August 21, 2024,

passed in CRM (DB) 2082 of 2024, wherein we had rejected bail prayer of an accused-person. The State says that the petitioner stands on the same footing as that person and, therefore, the petitioner's bail prayer should also be rejected. However, we find from that order that it was not drawn to our attention that the victim did not die as a result of gun shot injury. The cause of death was bomb explosion. Therefore, we are of the view that the said order would not stand in the way of the present petitioner being granted bail.

5. More than three years two months is a very long period of time to keep an under-trial in incarceration without bringing the trial to its logical conclusion. The paramount importance of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India must override all other considerations. The prosecution may have an iron cast case against the petitioner. Nobody stands in the way of the prosecution securing the petitioner's conviction at the trial.

6. Solely, on the ground of delay in trial and seeing that there is little possibility of an early conclusion of the trial, we enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Nasiruddin Sekh @ Nasiruddin Sk @ Nasiruddin Mondal @ Kalu**, 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, Lalbagh, Murshidabad subject to condition that he shall appear before the trial court on each and every date of hearing

until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the concerned police station and shall meet the officer in charge of the concerned Police Station once in a week until further orders.

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.)