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03-10-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2309 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.

- A n d -

In the matter of : Ashadul Mollick

.... Petitioner.

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. M. Rahaman,
Mr. J. Hossain,

... For the Petitioner.

Mr. Anand Keshari,
Ms. Surachi Saha,

... 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 one month. He has been falsely implicated. No specific role has been attributed to him in the alleged incident. Only 21 out of 55 charge sheet named witnesses have been examined. On the ground of delay, he prays for bail.
3. Learned State Advocate while opposing the prayer for bail, draws our attention to the depositions of some of the prosecution witnesses, who are eye witnesses, who have already been examined before the learned Trial Court. He says that the witnesses saw this petitioner present at the place of occurrence. 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. There may be very strong evidence against the petitioner. Nobody stands in the way of the prosecution securing the petitioner's conviction before the learned Trial Court. However, three years is far too long a period for detaining an under trial in custody without the trial being taken to its logical conclusion. The paramount importance of a citizen's fundamental right to personal liberty and speedy trial must override all other considerations.

5. 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.

6. Accordingly, we direct that the petitioner, namely, **Ashadul Mollick**, 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.

7. 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.

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

9. 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.)