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07-10-2024
(ct. no.28)
S. De
(Allowed)

CRM (DB) 2446 of 2024

In re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Khargram Police Station Case No. 301 of 2018** dated **20.11.2018** under **Sections 341/323/325/326/307/34** added **Section 302** of the Indian Penal Code.

- A n d -

In the matter of : Bodrul Islam @ Badrul Alam.

.... petitioner.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous,

... For the petitioner.

Mr. Sudip Kumar,
Ms. Ankita Paul,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The report regarding the status of the trial and report as regards the health condition of the petitioner filed in Court today by the State, are taken on record.
2. The petitioner complains of delay in trial. He is in custody for more than 1 year and 6 months. According to the petitioner, charge has not been framed till date. There are 18 charge-sheet named witnesses. The petitioner prays for bail.
3. Opposing the prayer, learned State advocate says that charge was framed recently on September 19, 2024, against 9 accused persons including the petitioner herein. There is sufficient incriminating evidence against the petitioner. All efforts will be made to take the trial to its logical conclusion at an early date.
4. We see that charge-sheet was submitted some time in 2019. Charge could be framed only after 5 years. Witness action has

not yet started. The petitioner is in custody for quite some time. It is not that his bail was cancelled for violation of any condition of bail. A co-ordinate Bench had cancelled the bail granted by the learned Magistrate in view of the gravity of the charge.

5. However, the consideration that must override all factors is that fundamental right of a citizen to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India. Solely, on the ground of delay in progress of trial, without commenting on the merits of the case, we feel constrained to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Bodrul Islam @ Badrul Alam** 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, Murshidabad at Kandi 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)