

16
07-10-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 2463 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 **Bhagwanpur Police Station Case No. 347 of 2021** dated **07.11.2021** under Sections **341/323/325/307/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Abhijit Mandal

.... Petitioner.

Mr. Aniket Mitra,
Mr. Sahjahan,
Mr. Sayan Datta,

.... For the petitioner.

Mr. Jaydeep Biswas,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on several occasions and lastly on April 12, 2024. By the order dated April 12, 2024, the learned Trial Court was directed to expedite the trial and conclude the same at an early date. The petitioner says that there has been no progress since then. 2 out of 53 charge sheet named witnesses only have been examined till date. He is in custody for almost three years. On the ground of delay he renews his prayer for bail.

2. State files a report. Let the same be kept with the records.

3. Learned State Advocate draws our attention to a dying declaration made by the victim. It appears that the victim implicated this petitioner along with other accused persons.

4. The prosecution may have an iron cast case for securing the conviction of the petitioner. However, we are not on merits.

Almost three years the petitioner is in incarceration. Only 2 out of 53 charge sheet named witnesses have been examined. There is little possibility of an early conclusion of the trial.

5. Keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay in trial, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Abhijit Mandal**, 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, Contai, Purba Medinipur 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 jurisdiction of the Bhagwanpur Police Station and shall report to the officer in charge of the concerned police station once in a fortnight 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.)**