

CRM (DB) 2470 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 **Gangarampur Police Station Case No. 23 of 2021** dated **19.01.2021** under Sections **341/326/307/302/34** of the Indian Penal Code and Sections 3/4 of the Explosive Substance Act.

- A n d -

In the matter of : Aniruddhya @ Anirudhya Sarkar

.... Petitioner.

Mr. Milon Mukherjee,
Mr. D. Dutta,

... For the Petitioner.

Mr. Soumik Ganguly,
Mr. Aslam Parvez,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated July 10, 2024, passed in CRM (DB) 1979 of 2024, whereby one Arun Das, a co-accused person, was enlarged on bail. He says that he is in custody for three years six months. Charge has not yet been framed. There are 36 witnesses named in the charge sheet. There is no chance of an early conclusion of the trial.

2. Learned State Advocate says that today is the date fixed for consideration of charge. There is sufficient incriminating material against the petitioner. This petitioner does not stand on the same footing as the other accused persons who have been enlarged on bail in so far as the merit of the case is concerned.

3. We see that there is no chance of the trial concluding at an early date. One cannot lose sight of the paramount importance of a citizen's fundamental right to personal liberty and speedy trial as contemplated by Article 21 of the Constitution of India.

4. Without making any comment on the merits of the case, solely on the ground of inordinate delay in progress of the trial, we feel constrained to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Aniruddhya @ Anirudhya Sarkar**, 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, Gangarampur at Buniadpur, Dakshin Dinajpur 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 concerned police station and shall meet the officer in charge of the concerned Police Station once in a fortnight until further orders.

6. 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.

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

8. 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.)**