

CRM (DB) 2531 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 **Domjur Police Station Case No. 843 of 2021** dated **23.10.2021** under Sections **302** of the Indian Penal Code.

- A n d -

In the matter of : Sk. Isha Ali @ Chand

.... Petitioner.

Mr. Ashok Das,
Mr. Sourav Mukherjee,
Mr. Ayan De,
Mr. Hasi Jana,

... For the Petitioner.

Mr. Bibaswan Bhattacharyya,
Mr. Arabinda Manna,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner prays for bail primarily on the ground of inordinate delay in progress of trial. He is in custody for three years. Only 2 out of 14 charge sheet named witnesses have been examined. The last witness examination was in November 2022. In other words, for the last two years there has been no progress in trial.
2. The State files a report. Let the same be kept with the records.
3. From the report we find that the delay cannot be attributed to the petitioner to any extent.
4. We cannot be oblivious 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. Solely on the ground of delay, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sk. Isha Ali @ Chand**, 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 Chief Judicial Magistrate, Howrah 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 district of Howrah without prior permission of the learned Court below 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.)**