

10.
06-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2582 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tamluk Police Station Case No.829 of 2022 dated 14-09-2022 under Sections 302/201/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Md. Ijad @ Suraj

.... Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Amal Krishna Samanta,
Mr. Subhas Jana

... For the Petitioner.

Mr. Suman De,
Ms. Rajashree Tah

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.

2. We find from the report that charge sheet was filed on February 05, 2023. Charge was framed on July 25, 2024, i.e., 1 year 5 months from the date of filing of the charge sheet. There are 48 charge sheet named witnesses. The prosecution proposes to examine 35 witnesses.

3. We find that the petitioner is in custody for about two years. Only one witness has been examined, that too, in part. The pace at which the trial has progressed is most

unsatisfactory. We do not see any possibility of an early conclusion of the trial.

4. The fundamental right of an under-trial to speedy justice and personal liberty can hardly be overemphasized. The same must override all other considerations including the gravity of the alleged offence, quality of evidence etc. One cannot be kept in incarceration indefinitely without taking the trial to its logical conclusion and securing a conviction of the accused person. That would amount to pre-trial conviction which is unknown to the criminal jurisprudence of our country.

5. Without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution, we feel constrained to enlarge the petitioner on bail, noting that four other accused persons have also been enlarged on bail.

6. Accordingly, we direct that the petitioner, namely, **Md. Ijad @ Suraj**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 4th Court, Tamruk, Purba Medinipur. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

7. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)