

27.09.2024
Item no. 41.
Court No.28.
AB
(Allowed)

CRM (DB) 2595 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bowbazar Police Station Case No.191 of 2020 Dated 19.05.2020 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Sk. Chand @ ChandPetitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dindafor the Petitioner.

Mr. Saibal Bapuli, Id. APP,
Ms. Puja Goswamifor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected on October 20, 2020. He says that he is in custody for almost four years and four months. Only 6 out of 39 charge sheet named witnesses have been examined. He renews his prayer for bail primarily on the ground of delay in progress of the trial.
2. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the material in the case diary. She says that November 27, 2024, has been fixed as the next date for examination of witnesses.
3. We see that this is a case of the victim dying as a result of mob lynching. It was suspected that the victim is a thief and, therefore, was beaten up. Prima facie, it does

not appear that the accused persons had any plan to murder the victim.

4. In view of the aforesaid and the long detention of the petitioner and there being no possibility of an early conclusion of the trial, keeping in mind the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Sk. Chand @ 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 Additional District and Sessions Judge, 2nd Fast Track Court, Kolkata, 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.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)