

51.
07-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2643 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 Sagar Police Station Case No.149 of 2021 dated 16-05-2021 under Sections 498A/302/304B/34 and adding Section 314 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Sk. Muslim @ Muslim Sk.

.... Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Ms. Dhanasree Biswas

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected earlier in February, 2022. He renews his prayer on the ground of delay in progress of trial. He says that charge sheet was submitted on August 10, 2021. Charge was framed on April 04, 2022. Only 16 out of 30 charge sheet named witnesses have been examined. Nobody knows when the trial would conclude. He prays for bail.

Opposing the prayer, learned State advocate says that 19 prosecution witnesses have been examined till date. The prosecution intends to examine nine more witnesses. It cannot be said that the trial has not progressed. There is sufficient incriminating evidence against the petitioner. The

victim was his wife and she was brutally killed when she was pregnant, within two years of marriage.

We have considered the rival contentions of the parties. The prosecution may have a very strong case against the petitioner. We do not stand in their way of securing the petitioner's conviction. However, 3 years 5 months is far too long a period to keep an under-trial in judicial custody. The importance of a citizen's fundamental right to personal liberty and speedy trial can hardly be overemphasized.

Solely on the ground of undue delay in progress of trial, we feel constrained to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Sk. Muslim @ Muslim Sk.**, 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 Chief Judicial Magistrate, Kakdwip. 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 the 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.

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 petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2643 of 2024 is, thus, **allowed**.

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

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.)