

CRM (DB) 2684 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. **268 of 2021** dated **22.07.2021** under Sections **302/120B/379/411/34** of the Indian Penal Code.

- A n d -

In the matter of : Gobindo Halder @ Gobinda Haldar @ Gobinda Halder & Ors.

.... Petitioners.

Mr. Sujoy Sarkar,
Mr. Anirudha Bhattacharya,

... For the Petitioners.

Ms. Sreyashee Biswas,
Ms. Pushpita Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records. The report is not very helpful. It only mentions that charge is yet to be framed. The next date fixed is January 21, 2025.
2. The petitioners are in custody for more than three years three months. Even charge has not been framed. There are 39 charge sheet named witnesses. The trial has not even begun. We see no possibility of an early conclusion of the trial.
3. The State says that one of the accused persons, who was granted bail, absconded. An application was filed for cancellation of his bail and the bail was cancelled. That person is still absconding. Another person is also absconding.
4. The aforesaid is not justification enough to detain the present petitioners in custody for more than three years three

months. The trial should have been split up and proceeded with against these petitioners.

5. At this stage, learned State Advocate says that the trial was split up as would appear from the learned Trial Court's order dated June 13, 2024. If the trial was split up in June, 2024, we see no reason for not having the charge framed till now.

6. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to enlarge the petitioners on bail but on stringent conditions.

7. Accordingly, we direct that the petitioners, namely, **Gobindo Halder @ Gobinda Haldar @ Gobinda Halder, Gopal Halder @ Gopal Haldar @ Madan and Shiv Shankar Sarkar @ Shiv @ Shibshankar Sarkar @ Shivshankar Sarkar**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two local sureties of like amount each, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that they shall appear before the trial court on 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 petitioners while on bail shall not enter the jurisdiction of Gangarampur Police Station and shall provide their current addresses where they shall reside and shall meet the I.C. of the concerned police station each and every day until further orders.

8. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court

shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

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

10. 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.)