

30.  
25-11-2024  
(ct. no.29)  
S. De  
**(Allowed)**

## CRM (DB) 2713 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Uttarpara Police Station Case No. 159** of **2020** dated **05.06.2020** under **Sections 395/397/412** of the Indian Penal Code 1860 read with **Section 25/27** of the Arms Act.

And

**In the matter of : Sanjib Paswan @ Sanju. ....Petitioner.**

Mr. Aniket Mitra,  
Mr. Sourav Chatterjee, .....for the Petitioner.

Mr. Ranabir Roy Chowdhury.  
Mr. Sayan Dev Kumar, .....for the State.

### **Dictated by Arijit Banerjee, J.**

1. Status report filed by the State be kept with the records.
2. We find that out of 22 charge-sheet named witnesses, only 2 have been examined. The petitioner is in custody for four and half years.
3. The charges may be grave. The prosecution may have a very strong case against the petitioner. Nobody stands in the way of the prosecution securing the petitioner's conviction. However, the petitioner cannot be kept in judicial custody for an indefinite period of time without bringing the trial to its logical conclusion.
4. Purely on the touchstone of Article 21 of the Constitution of India and without making any comment on the merits of the case, we feel impelled to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sanjib Paswan @ Sanju**, 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 Chief Judicial Magistrate, Srirampur, Hooghly subject to the condition that he shall not leave the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge of the concerned police station once in a week 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 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.

**(Subhendu Samanta, J.)**

**(Arijit Banerjee, J.)**