

CRM (DB) 2756 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 **Golbari Police Station** Case No. **47 of 2022** dated **25.01.2022** under Sections **363/366B/370** of the Indian Penal Code.

- A n d -

In the matter of : Sk Abdul Salam

.... Petitioner.

Mr. Shataroop Purkayastha,
Mr. J. Bhattacharyya,

... For the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Ashok Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for about two years and ten months. Only 3 out of 20 charge sheet named witnesses have been examined. A co-accused has been granted bail by a Coordinate Bench. He stands on the same footing as that person. He prays for bail.

2. Vehemently opposing the prayer for bail, learned State Advocate says that this petitioner does not stand on the same footing as Bablu Gazi, who was enlarged on bail by a Coordinate Bench. He was arrested on the spot. Bablu was not present on the spot. This petitioner is the kingpin of human trafficking. The trial is in progress. Bail should be rejected.

3. We have considered the materials in the case diary. Investigation is complete. Trial has started. However, we are not at all happy with the pace of the trial. Charge sheet was filed on April 22, 2022. Supplementary charge sheet was filed on September 2, 2022. Charge was framed on December 20, 2022, i.e., after about eight months from the date of filing of charge-sheet. Since then,

over the last two years or so, only 3 witnesses have been examined. At this pace, it is anybody's guess as to when the trial will conclude.

4. Considering the lengthy detention of the petitioner and the stage of trial and seeing that it is practically impossible to conclude the trial on an early date, purely on the touchstone of Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sk Abdul Salam**, 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 Chief Judicial Magistrate, Howrah subject to condition that he 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 petitioner while on bail shall not leave the jurisdiction of district Howrah and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

6. 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.

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

8. 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.)**