

CRM (DB) 2774 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 **Baduria Police Station** Case No. **572 of 2023** dated **13.09.2023** under Sections **498A/302** of the Indian Penal Code.

- A n d -

In the matter of : Sanjib Paul

.... Petitioner.

Mr. Mazhar Hossain,
Ms. Chandrima Debnath,

... For the Petitioner.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Mr. Koushik Kundu,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. There is absolutely no explanation in the report as to why even after one year of filing charge sheet, charge has not been framed.
3. We have recorded in our order dated November 28, 2024, that there are 29 charge sheet named witnesses. The petitioner is in custody for about 15 months. Therefore, we see that there is absolutely no possibility of an early conclusion of the trial. The trial has not even started.
4. Without going into the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Sanjib Paul**, 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, Basirhat, North 24 Parganas 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 concerned Police Station and shall meet the Officer-in-Charge of the concerned Police Station every alternative day 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)