

CRM (DB) 2853 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 **Deganga Police Station** Case No. **35 of 2023** dated **24.01.2023** under Sections **328/302** of the Indian Penal Code.

- A n d -

In the matter of : Bhadeswar alias Bhodo alias Bhadreswar Barik
.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha,

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. Karan Bapuli,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State in terms of our order dated November 18, 2024, be kept with the records.
2. From the report we find that the learned Trial Court is vacant since the month of May, 2024. Charge has not yet been framed. The petitioner is in custody for about two years now. There are 24 charge sheet named witnesses. An early conclusion of trial looks impossible.
3. We cannot lose sight of a person's fundamental right to personal liberty and speedy trial. Such right must override all other considerations. Hence, without making any comment on the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
4. Accordingly, we direct that the petitioner, namely, **Bhadeswar alias Bhodo alias Bhadreswar Barik**, 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, Barasat, 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 once in a fortnight until further orders.

5. 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.

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

7. 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.)