

18.11.2024  
Item no. 100.  
Court No.29.  
AB  
(Allowed)

**CRM (DB) 2889 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Itahar Police Station Case No.377 of 2020 Dated 01.11.2020 under Section 302 of the Indian Penal Code

And

**In the matter of : Pandu Hemram**

**.....Petitioner.**

Mr. Sujay Sarkar,  
Mr. Mushraf Alam,  
Ms. Sneha Srivastava,  
Sk. Mustafi Raham .....for the Petitioner.

Mr. Suman De,  
Ms. Pritha Paul .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner prays for bail on the ground of inordinate delay in progress of the trial. He says that charge sheet was submitted in January, 2021. Charge was framed in April, 2022. Only 8 out of 17 charge sheet named witnesses have been examined. He is in custody for more than four years.
2. Opposing the prayer for bail, learned State Counsel says that there is eyewitness of the petitioner murdering the victim. All efforts will be made to conclude the trial on an early date.
3. The prosecution may have the strongest possible case against the petitioner. However, that would not justify

indefinite detention of the petitioner in judicial custody.

We see that it took 15 months for the charge to be framed. After that, about two and half years have passed. Only 8 witnesses have been examined. We see no possibility of an early conclusion of the trial.

4. Without commenting on the merits of the case, solely on the touchstone of the Article 21 of the Constitution of India, we feel impelled to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Pandu Hemram** 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, Raiganj, and on further conditions that he shall not leave the jurisdiction of the Itahar Police Station and shall report to the Inspector-in-Charge/Officer-in-Charge of the Itahar police station once in a fortnight 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 and/or commit any cognizable offence 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.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**