

19. 06.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2893 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Pukhuria** Police Station Case **No.482/2021** dated **30.11.2021** under Section **302** of the Indian Penal Code. Charge-sheet submitted under Sections **302/201** of the Indian Penal Code.

And

In the matter of: - **Tarikul Alam**

...petitioner.

Mr. Ayan Basu
Mr. Tapodip Gupta
Mr. Sumit Routh

...for the petitioner.

Mr. Ranabir Roychowdhury
Ms. Pushpita Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. We find that four out of 21 charge-sheet named witnesses have been examined. The prosecution intends to examine all 21 witnesses.
2. The petitioner was arrested on December 3, 2021. Charge-sheet was filed on February 22, 2022. Charge was framed after one year on February 10, 2023.
3. In March 2023, the petitioner had approached this Court for bail. While rejecting the prayer for bail, a co-ordinate Bench had directed the learned Trial Court to expedite the trial and conclude the same as expeditiously as possible without

granting unnecessary adjournment to either of the parties.

However, since then only four witnesses have been examined.

4. From the aforesaid it would be evident that the trial is not progressing at a satisfactory rate. It is anybody's guess as to when the trial will conclude.
5. Without going into the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel obliged to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Tarikul Alam** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Chanchal, Malda, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Officer-in-Charge/Inspector-in-Charge of Pukhuria Police Station once in a week, until further orders.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause,

the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. The application for bail being CRM (DB) 2893 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)