

CRM (DB) 3030 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 **Mothabari Police Station** Case No. **187 of 2020** dated **19.05.2020** under Sections **302/34** of the Indian Penal Code.

- A n d -

In the matter of : Mir Jumman Ali

.... Petitioner.

Md. Wasim Akram,

... For the Petitioner.

Ms. Zareen N. Khan,

Mr. M. Ali Nashar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status reports filed by the State be kept with the records.
2. From the report we find that 4 out of 15 charge sheet named witnesses have only been examined. 11 witnesses are yet to be examined. The petitioner is in custody for more than 4 years 6 months. Charge sheet was filed in the year 2020. Charge was framed in November, 2023. Since then only 4 prosecution witnesses have been examined. There is no chance of early conclusion of the trial.
3. The petitioner is in custody for a long period of time. Without touching the merits of the case and only on the ground of delay in progress of trial, for which the State could not demonstrate that the petitioner can be blamed, coupled with zero possibility of an early conclusion of the trial, we are inclined to enlarge the petitioner on bail on the touchstone of Article 21 of the Constitution of India.
4. Accordingly, we direct that the petitioner, namely, **Mir Jumman Ali**, 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, Malda 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 remain within the jurisdiction of the 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.)