

55. 17.12.2024  
Court  
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3095 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 **Chanditala** Police Station Case **No.198/2020** dated **11.8.2020** under Section **498A/302/34** of the Indian Penal Code. Charge-sheet submitted under Sections **498A/302/34** of the Indian Penal Code.

And

In the matter of: - **Amit Das @ Khokon**

...petitioner.

Ms. Jeenia Rudra  
Ms. Sangita Ray  
Ms. Sangeeta Halder

...for the petitioner.

Ms. Anasuya Sinha, APP  
Ms. Sujata Das

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. With reference to the report, learned State Advocate says that the delay is substantially due to the Presiding Officer not being available, being transferred and also the witness not being present.
3. We do not see that the petitioner can be blamed for any appreciable extent at all for delay in progress of the trial. He is in custody for four years and four months. Only one out of 12 charge-sheet named witnesses has been examined.

4. The State says that there is clinching evidence against this petitioner. That may be so. However, that would not justify incarceration of the petitioner for an indefinite period of time. We do not see any real possibility of an early conclusion of the trial.
5. Hence, solely on the touchstone of Article 21 of the Constitution of India, noting that the petitioner is in custody for a very long period of time, we feel constrained to allow the petitioner's prayer for bail, although the same was rejected earlier on several occasions.
6. Accordingly, we direct that the petitioner, namely, **Amit Das @ Khokon** 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 Chief Judicial Magistrate, Serampore, Hooghly, 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.
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. Since the trial is pending for a long period of time, we direct the learned Trial Court to expedite the trial and conclude the same as soon as possible without granting unnecessary adjournment to either of the parties.
9. The application for bail being CRM (DB) 3095 of 2024 is accordingly disposed of.
10. 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.)**