

64.
03-12-2024
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3110 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jhargram Police Station Case No. 91 of 2023** dated **06.04.2024** under **Sections 489B/489C** of the Indian Penal Code.

And

In the matter of : Chandan Garai.

.....Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Madhurai Sinha,
Mr. Ranabeer Halder,for the Petitioner.

Ms. Dona Sanyal,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 11 fake Indian currency notes of denomination of Rs.2000/- each, were allegedly seized from this petitioner. Charge was framed in February 20, 2024. Witness action has not started. Three schedules fixed by the learned Trial Court have failed.
2. While opposing the prayer, learned State advocate says that there is sufficient incriminating evidence against this petitioner. All efforts will be made to conclude the trial on an early date.
3. From the facts of the case recorded above, we have grave doubts that the trial will be concluded on an early date. Charge was framed in February 2024. After 10 months not a single witness has been examined. We cannot over-emphasize the fundamental right of an undertrial person to speedy justice and personal liberty.

4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to grant bail to the petitioner.
5. Accordingly, we direct that the petitioner, namely, **Chandan Garai** 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 Additional Chief Judicial Magistrate, Jhargram subject to the condition that he shall not leave the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Jhargram police station once in a week 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)