

17.
28-11-2024
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3205 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 **Ranaghat Police Station Case No. 516 of 2021** dated **21.12.2021** under **Sections 326(A)/307** of the Indian Penal Code.

And

In the matter of : Sofiuddin Mondal @ Safiuddin Mondal.

.....Petitioner.

Mr. Navanil De,
Ms. Shoumilya Mazumder,for the Petitioner.

Ms. Amita Gour,
Mr. Nirupam Dhali,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected thrice earlier, lastly on July 11, 2023.
2. The petitioner says that while rejecting his prayer for bail on July 11, 2023, a co-ordinate Bench had requested the learned Trial Court to expedite the trial and conclude the same on an early date, preferably within 1 year from the next date fixed for recording of evidence. However, till date, only 3 out of 12 chargesheet named witnesses have been examined. Charge was framed on July 6, 2022. Therefore, the pace at which the trial has progressed, would indicate that there is no possibility of an early conclusion of the trial. The petitioner is in custody for almost 3 years.
3. Opposing the prayer for bail, learned State advocate draws our attention to the deposition of the victim lady and also the

depositions of the other witnesses already examined. She also draws our attention to the material in the case diary and says that there is clinching evidence against the petitioner.

4. The prosecution may have an iron-cast case against the petitioner. We make no comment on the merit of the case. However, the petitioner is in custody for about 3 years. From the facts noted above, we find that there is very little possibility of the trial concluding on an early date. The vulnerable witnesses have already been examined.
5. In view of the aforesaid, keeping in mind the importance of an undertrial person's fundamental right to personal liberty and speedy trial, we feel constrained to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Sofiuddin Mondal @ Safiuddin Mondal**, 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, Ranaghat, Nadia subject to the condition that the petitioner shall remain within the jurisdiction of Ranaghat police station and shall meet the Officer-in-Charge of the concerned police station once in every week until further orders.
7. 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.

8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)