

73.
23-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3220 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhubulia Police Station Case No.117 of 2021 dated 08-04-2021 under Sections 302/120B/34 of the Indian Penal Code.

- A n d -

In the matter of : Sujoy @ Blue Pal & Anr.

.... Petitioners.

Mr. Sandip Chakraborty,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaustav Das

... For the Petitioners.

Mr. Saibal Bapuli,
Mr. Sujan Chatterjee

... For the State.

Dictated by Partha Sarathi Sen, J.

1. In support of this application for bail, learned advocate for the petitioners submits before this Court that considering the prolonged delay in the progress of the trial and also considering the remote involvement of the present accused petitioners in the alleged offence, the instant application for bail may be considered favourably.

2. While opposing the prayer for bail, learned advocate for the State has filed a report dated December 19, 2024 as submitted by the Investigating Officer, addressed to learned advocate for the State. The report as filed today is taken on record.

3. Learned advocate for the State submits before this Court that as per showing of the present accused petitioners, the blood stained wearing apparels and the mobile phone of the deceased were recovered.

4. On perusal of the entire materials as placed before this Court and after hearing learned advocates for the contending parties and also on close scrutiny of the orders of the learned trial Court which have been annexed with the instant bail application, it reveals that for a considerable period of time, the remaining charge-sheeted witnesses have not been tendered on account of their absence and from the report as submitted today, it would reveal that out of 27 charge sheet named witnesses, only 13 witnesses have been examined and 14 witnesses are yet to be examined. There is no certainty as to when the trial before the learned trial Court would come to a logical end.

5. Considering the entire scenario and also considering the fact that the present accused petitioners' right to personal liberty and speedy trial as enshrined under Article 21 of the Constitution of India is infringed on account of slow progress of the trial, we are inclined to allow the prayer of the petitioner for bail.

6. Accordingly, we direct that the petitioners, namely, **Sujoy @ Blue Pal** and **Samiran @ Palash Bala**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two registered sureties of like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nadia at Krishnagar. The petitioners shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall not leave the jurisdiction of the learned trial Court unless such condition has been relaxed by the learned trial Court and shall report to the Officer-in-Charge of Dhubulia Police Station once in every fortnight until further orders.

7. In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel their bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)