

CRM (DB) 3371 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 **Panchla Police Station** Case No. **264 of 2020** dated **29.10.2020** under Sections **341/323/376/417/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Asit Manna @ Amit Manna @ Badal

.... Petitioner.

Mr. Toslim Ali,

... For the Petitioner.

Mr. Imran Ali,
Ms. Debadrita Mondal,

... For the State.

Mr. Mrityunjoy Chatterjee,

... for the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. We have seen the deposition of the victim lady. It cannot be said that there is no incriminating material against the petitioner at all. However, the victim lady clearly says that there was a love affair between her and the petitioner.

2. More importantly, the petitioner is in custody for about four years six months. Only the victim lady has been examined as PW 1 and that too, in part. There are 13 charge sheet named witnesses. It is anybody's guess as to when the trial will conclude.

3. We cannot be oblivious of the fundamental right to personal liberty and speedy trial that every citizen of this country has under Article 21 of the Constitution of India. The prosecution may have an iron cast case against the accused. That would *per se* not justify indefinite incarceration of the accused without the trial being brought to its logical conclusion. This would amount to complete negation of the right to speedy trial which has been recognized as part of Article 21 of the Constitution of India.

4. We do not see that there is any possibility of an early conclusion of the trial. The petitioner is in judicial custody for a very long time.

5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to grant bail to the petitioner.

6. Accordingly, we direct that the petitioner, namely, **Asit Manna @ Amit Manna @ Badal**, 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, Howrah 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 not leave the jurisdiction of the learned Trial Court without prior permission and shall not enter within the jurisdiction of Panchla Police Station until and unless such condition is relaxed by the learned Court below and shall meet the officer-in-charge of the concerned police station where he will reside once in a fortnight until further orders.

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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)