

09.12.2024
Item no.05.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3893 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgarh Police Station Case No. 14 of 2015** dated **11.03.2015** under **Sections 302/201/34 of the Indian Penal Code** and Sections **25/27 of the Arms Act and subsequently Charge-Sheet submitted vide Charge Sheet No.27 of 2015 dated 31.05.2015 under Sections 302/201/379/120B/34** of the Indian Penal Code.

And

**In the matter of : Bholanath Mahata @ Mahato.
.....Petitioner.**

Mr. Amanul Islam,
Mr. Sourav Mukherjee,for the Petitioner.

Mr. Parthapratim Das,
Ms. Soma Naaz,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected in the year 2017. He says that he is in judicial custody for 9 years and 6 months. Only 11 out of 20 chargesheet named witnesses have been examined. On the ground of delay in progress of trial, he renews his prayer for bail.
2. Learned State advocate says that it is true that only 11 out of 20 chargesheet named witnesses have been examined. However, the charge is of murder. Hence, he opposes the prayer for bail.
3. We see that the entire case is based on circumstantial evidence. In any event, 9 years 6

months is far too long a period of time to keep an undertrial in incarceration. Without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail .

4. Accordingly, we direct that the petitioner, namely, **Bholanath Mahata @ Mahato** 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 conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.

8. 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.)