

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (DB) 526 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 **Ghoksadanga Police Station** Case No. **529 of 2023** dated **22.10.2023** under Sections **365/109/302/364/201/120B** of the Indian Penal Code.

- A n d -

In the matter of : Ramjan @ Sohel Ali @ Sahel Ali

.... Petitioner.

Mr. Hillol Saha Poddar,
Mrs. Mousumi Das,

... For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Mr. Sourav Ganguly,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for 379 days. The examination of the first prosecution witness has just begun. There are 30 charge sheet named witnesses. There is no eye witness to the alleged incident. The entire case is based on circumstantial evidence.

2. Opposing the bail prayer, learned Advocates for the State and the defacto complainant submit that it may be that the evidence is circumstantial but the prosecution has been able to complete the chain of circumstances. The offending weapon and the dead body were recovered on the basis of the statement made by the petitioner. All efforts will be made to expedite the trial.

3. The prosecution may have an iron cast case against the petitioner to secure his conviction. Indeed, if that be so, the trial

should be proceeded with, with as much expedition as possible so that the petitioner can be punished if he is found to be guilty. However, the pace at which the trial has progressed so far indicates that there is very little chance of an early conclusion of the trial.

4. Purely on the touchstone of Article 21 of the Constitution of India, keeping in mind that an under-trial person's fundamental right to personal liberty and speedy trial is paramount and noting that some of the other accused persons are on bail, we are constrained to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Ramjan @ Sohel Ali @ Sahel Ali**, 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, Mathabhanga 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 enter the jurisdiction of Ghoksadanga Police Station and shall provide his current address where he will reside to the officer-in-charge of the concerned police station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

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. It is in the interest of everybody that a criminal case concludes at an early date. We direct the learned Trial Court not to grant unnecessary adjournments to either of the parties.

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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)