

02.12.2024
SL No.7
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 639 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **25.11.2024** in connection with **Malbazar** P.S. Case No. **27/2011** dated **24.01.2011** under Section 302 of the Indian Penal Code.

And

In the matter of: **Soni Oraon**

....Petitioner

Mr. Bablu Mitra,
Ms. Rupa Shil

...for the petitioner

Mr. Nilay Chakraborty,
Mr. Sajiv Das

...for the State

The petitioner prays for bail. The petitioner is in custody for 14 years. 18 witnesses have been cited in the charge-sheet. 5 of the witnesses have been lastly examined in 2018. There has been no progress since then.

Learned Additional Public Prosecutor opposes the prayer for bail on the ground that the petitioner had committed a heinous offence.

Considering the prolonged incarceration and the fact that after 2018 not a single witness has been examined and the prosecution has failed to produce other witnesses, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of equal amount each, to the satisfaction of the learned Additional Sessions Judge, Mal, Jalpaiguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not leave the territorial jurisdiction of the Court till the conclusion of trial. The petitioner shall not intimidate witnesses.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)