

CRM (DB) 131 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Banshihari Police Station** Case No. **223 of 2021** dated **20.11.2021** under Sections **493/376/307/34/302** of the Indian Penal Code.

- A n d -

In the matter of : Subrata Das

.... Petitioner.

Mr. Pawan Kr. Gupta,
Mr. S. Saha,
Mr. Vijoy Verma,
Ms. S. Nesar,
Mr. S. Sett,

... For the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Purnima Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. Status report filed by the State be also kept with the records.
3. In spite of service, nobody appears for the defacto complainant/victim.
4. We see that out of 36 charge sheet named witnesses 15 witnesses have been examined. The status report does not mention how many more witnesses the prosecution intends to examine. Therefore, we proceed on the basis that all 36 witnesses are proposed to be examined.
5. The petitioner is in custody for over three years two months. Nobody can say when the trial will conclude. No under-trial accused can be detained in judicial custody for an indefinite period of time.

6. Therefore, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Subrata Das**, 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 A.C.J.M., Gangarampur, Buniadpur, Dakshin Dinajpur 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 remain within the jurisdiction of the Gangarampur police station and shall meet the I.C of the said police station once every week until further orders.

8. 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.

9. The application for bail is, accordingly, allowed.

10. 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.)**