

09. 05.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 119 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Ranaghat** Police Station Case No. **253/2022** dated **16.4.2022** under Sections **302/34** adding Sections **201/120B** of the Indian Penal Code.

And

In the matter of: - **RAJESH PASI @ APU PASI @ APU PARSHI AND ORS.**

...petitioners.

Ms. Sananda Bhattacharyya

...for the petitioners.

Mr. Avishek Sinha

Mr. Ratul Ghosh

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find from the report that 11 prosecution witnesses have been examined. The State proposes to examine 20 more witnesses. The next dates fixed by the learned Trial Court are March 17 and 18, 2025, for examination of four witnesses.
3. Learned State Counsel, opposing the prayer for bail, says that although the case is based on circumstantial evidence, the chain of circumstances is complete. There is very strong evidence against the petitioners. Their bail petitions were rejected on several occasions earlier.
4. We see that the petitioners are in custody for about two years and 10 months. 20 more witnesses are proposed to be examined

by the prosecution. Therefore, the chance of an early conclusion of the trial is extremely bleak.

5. It has often been said by this Court that the strength of a prosecution case will not justify incarceration of an under-trial accused for an unreasonably long period of time without taking the trial to its logical conclusion.
6. Hence, 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 petitioners on bail but on stringent conditions.
7. Accordingly, we direct that the petitioners, namely, **1. RAJESH PASI @ APU PASI @ APU PARSHI, 2. SAGAR PASHI @ SAGAR PASI, 3. JAHID MONDAL @ MD. JAHID** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall not enter the territorial jurisdiction of Ranaghat Police Station and shall furnish their present address to the Inspector-in-Charge/Officer-in-Charge of Ranaghat Police Station as well as the learned Trial Court and shall meet the

Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction they shall be presently residing, once in a week, until further orders.

8. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 119 of 2025 is accordingly disposed of.
10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)