

24.02.2025
Item no. 37.
Court No.29.
AB
(Allowed)

CRM (DB) 133 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Parnasree Police Station Case No.247 of 2021 Dated 07.09.2021 under Section 302/394/34 of the Indian Penal Code

And

In the matter of : Sandip Das @ Babin Petitioner.

Mr. Rajdeep Majumdar, Sr. Adv,
Mr. Subhrajit Saha,
Ms. Arushi Rathore for the Petitioner.

Mr. Saryati Dutta,
Ms. Sana Naaz for the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. We see from the report that only 22 charge sheet named witnesses have been examined till date. There are 64 charge sheet named witnesses. The petitioner is in custody for about three and half years.
3. Learned State Advocate vehemently opposes the prayer for bail. He says that the accused persons including this petitioner committed murder of a lady and her son in a gruesome manner. This petitioner is the cousin of the victim lady. There is ample evidence against the petitioner.
4. We, however, see that the Trial Court is lying vacant for the last one year. Nobody knows when the vacancy will be filled up. It is upto the State to fill up the vacancy.

The petitioner is in custody for a very long period of time. No under-trial accused person can be detained in judicial custody for an indefinite period of time. Considering the stage of the trial and that the Trial Court is lying vacant, nobody can say when the trial will conclude.

5. 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 allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **SANDIP DAS @ BABIN** 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 Chief Judicial Magistrate, Alipore, and on further conditions that he shall remain within the jurisdiction of Alipore Police Station and shall meet the Officer in Charge of the Alipore Police Station (the place of trial) once in a week until further orders.
7. 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 and/or commit any cognizable offence in any manner whatsoever.
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. In several cases we have found that the Trial Court is lying vacant. This adversely affects the trial. Often we are constrained to allow the bail prayer of the accused persons only because nobody can say when the trial will conclude due to vacancy in the Trial Court.
11. We ardently hope that the State looks into this matter and takes appropriate measures so that the Criminal Justice System can function efficiently.
12. Let a copy of this order be sent to the Law Minister, the State of West Bengal, the Legal Remembrancer as well as the Principal Secretary, Judicial Department by the learned Registrar General of this Court.
13. 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.)