

15. 24.02.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 151 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 **Baruipur** Police Station Case No. **2047/2017** dated **21.7.2017** under Sections **363/365/364/302/201/120B** of the Indian Penal Code.

And

In the matter of: - **ASHOK HALDAR**

...petitioner.

Ms. Poulami Banerjee

...for the petitioner.

Mr. Antarikhya Basu

Mr. Debanshu Ghorai

...for the State.

Dictated by Arijit Banerjee, J.

1. Learned Advocate for the State says that admittedly the petitioner is in custody for more than seven and half years. No report need be filed. However, the petitioner does not stand on the same footing as the other co-accused persons who have been granted bail on the ground of delay in trial and prolonged detention. The concerned bloodstained knife was seized from the petitioner. Only two more witnesses are to be examined by the prosecution.
2. At the moment, we are not concerned with the merits of the case. The prosecution may have a very strong case to secure the petitioner's conviction. Nobody stands in the way of the prosecution doing so.

3. However, seven and half years is far too long a period of time to keep an under-trial accused in judicial custody without concluding the trial.
4. 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.
5. Accordingly, we direct that the petitioner, namely, **ASHOK HALDAR** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas, subject to condition that the petitioner 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 petitioner, while on bail, shall remain within the territorial jurisdiction of Baruipur Police Station, and shall meet the Inspector-in-Charge/Officer-in-Charge of the said Police Station once in a week, until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 151 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)