

CRM (DB) 258 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 **Sankrail Police Station** Case No. **228 of 2013** dated **16.04.2013** under Sections **302/201/34** of the Indian Penal Code.

- A n d -

In the matter of : Kalipada Sardar @ Kali

.... Petitioner.

Mr. Uddipan Banerjee,

Mr. S. Samanta,

... For the Petitioner.

Mrs. Minoti Gomes,

Mr. A. Ganguli,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on several occasions. In particular, learned Advocate for the petitioner draws our attention to an order dated September 14, 2021 passed in CRM 2007 of 2021, whereby while rejecting the petitioner's prayer for bail, a Coordinate Bench had requested the learned Trial Court to expedite the trial and bring the same to its logical conclusion as soon as the business of the Court may permit and preferably within a period of 18 months from date.

2. The petitioner says that the aforesaid direction has had no effect. He is in custody for five years eight months. He renews his bail prayer on the ground of undue delay in trial.

3. Learned State Advocate, while opposing the bail prayer, says that 13 out of 15 charge sheet named witnesses have already been examined. There is sufficient incriminating material against the petitioner. The charge is of murder. At this stage, bail should not be granted.

4. We are told that the case is based on circumstantial evidence. There is no eye-witness to the alleged offence of murder.

The petitioner is in custody for a very long period of time. The direction of a coordinate bench on September 14, 2021 for conclusion of the trial within 18 months has not had any effect.

5. In view of the very long incarceration of the petitioner, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Kalipada Sardar @ Kali**, 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 C.J.M, Howrah 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 concerned police station except for the purpose of attending court proceedings and shall meet the I.C of the said police station once in a fortnight until further orders.

7. 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.

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

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Prasenjit Biswas, J.)**

(**Arijit Banerjee, J.)**