

17.02.2025
Item no. 23.
Court No.29.
AB
(Allowed)

CRM (DB) 161 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 Mathurapur Police Station Case No.143 of 2021 Dated 04.07.2021 under Section 376(2)(f)/376(2)(i)/376(2)(j)/376(2)(n)/506 of the Indian Penal Code

And

In the matter of : Majnu Molla

.....Petitioner.

Mr. Amajit Defor the Petitioner.

Ms. Amita Gour,
Mr. Sujay Sarkarfor the State.

Mr. Lakshminath Bhattacharya
.....for the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. The petitioner complains of huge delay in progress of the trial. He says that he is in custody for more than three years and seven months. 14 witnesses have been examined so far by the prosecution. There is no possibility of an early conclusion of the trial. On the touchstone of Article 21 of the Constitution of India, he prays for bail.
3. Opposing the prayer, learned Advocate for the State tells us that March 3 and 4, 2025, have been fixed as the next dates for recording of evidence. Eight more witnesses will be examined, 2 out of them on recall.

There is overwhelming evidence against this petitioner, who ravished the victim lady, who is mentally unbalanced. The petitioner is the uncle of the victim lady. The victim lady gave birth to a child. The DNA report confirms that the petitioner is the father of the child.

4. The prosecution may have a very strong case against the petitioner. That is a matter of merits. Nobody stands in the way of the prosecution securing a conviction of the petitioner so that he can be duly punished in accordance with law. However, an under-trial cannot be kept in judicial custody for an indefinitely long period of time.
5. We are told that the Trial Court is lying vacant since June, 2024. That, coupled with the fact that 8 more witnesses will be examined by the State, clearly indicates that early conclusion of the trial is not possible.
6. Hence, without touching the merits of the case and solely on the ground of delay in trial, we feel constrained to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely **MAJNU MOLLA** 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 Additional Chief Judicial Magistrate, Diamond Harbour, and on further

conditions that he shall remain within the jurisdiction of the Diamond Harbour Police Station and shall meet the Officer in charge of the Diamond Harbour Police Station twice a week until further orders.

8. 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.
9. 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.
10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

