

45.
Court
No.29

Allowed

04.03.2025
(Tanmoy)

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

CRM (DB) 181 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, in connection with **Dhubulia** P.S. Case No. **233** dated **23.6.2024** under Sections **498A/304(B)/34** of the Indian Penal Code.

And

In the matter of: - **GOPAL DAS**

...petitioner.

Mr. Soubhik Mitter
Ms. Jagriti Bhattacharya

...for the petitioner.

Mrs. Manisha Sharma
Mrs. Sima Biswas

...for the State.

Dictated by Prasenjit Biswas, J.

1. It is said by the learned Advocate appearing on behalf of the petitioner that this accused petitioner is in custody since from 30.07.2025. This petitioner has/had no connection with the alleged offence and is completely innocent of all charges and has been falsely entangled with the alleged crime. Further, detention of this accused petitioner in connection with the instant case is not at all necessary in the facts and circumstances of the instant case especially because the investigation of the instant case is over. As such, there is no chance of this petitioner to interfere with the investigation any more and/or tampering the prosecution witnesses. There are twenty two witnesses named in the charge-sheet but none of whom has been examined till date. So, no useful purpose will be

served by detaining the accused petitioner behind the bar further for sake of custodial interrogation.

2. Learned Advocate for the State raises objection and submits that there are sufficient incriminating materials gathered in the case diary by the Investigating Agency which show about prima facie involvement of the accused petitioner with the alleged offence. Attention of this Court is drawn to the dying declaration of the victim and the post mortem report from which it would be revealed that the victim faced an unnatural death after consuming poison.
3. Perused the materials on record. This accused petitioner is in custody since for a considerable period of time. Investigation process is over by submitting charge-sheet by the prosecuting agency. Save and except filing of charge-sheet there is no much progress in the trial procedure. Failure to conclude the trial within a reasonable time resulting in prolonged incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India. Keeping in mind the long detention of this accused petitioner behind the bar and after considering the fact that the investigation process has already been completed, we are of the opinion that further detention of the accused petitioner is not required in connection with this case. Hence, we are inclined to enlarge the accused petitioner on bail.
4. Accordingly, we direct that the petitioner, namely, **GOPAL DAS** 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 Chief Judicial Magistrate, Krishnagar, Nadia, 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.

5. 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.
6. The application for bail being CRM (DB) 181 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)