

CRM (DB) 208 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 **Ratua Police Station** Case No. **230 of 2019** dated **01.06.2019** under Section **302** of the Indian Penal Code.

- A n d -

In the matter of : Jainul Mia

.... Petitioner.

Mr. Soupal Chatterjee,
Ms. Anupam Das,

... For the Petitioner.

Mr. Anand Keshri,
Ms. Dona Sanyal,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected on four occasions earlier, lastly on September 19, 2023. He bases his prayer solely on the touchstone of Article 21 of the Constitution of India. He says that he is in custody for five years nine months. Only 10 out of 22 charge sheet named witnesses have been examined in full. PW 11 has been examined in part. Witnesses are not appearing regularly. There is no possibility of an early conclusion of the trial. On the ground of delay he renews his prayer for bail.

2. Learned State Advocate files a status report. Let the same be kept with the records.

3. From the report we find that summons has been issued to PW 11 to secure his presence on the next date fixed which is March 18, 2025.

4. We, therefore, see that 11 more witnesses including the PW 11 remain to be examined. The petitioner is in custody for a

very long period of time. There does not appear to be any real possibility of an early conclusion of the trial.

5. Solely on the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Jainul Mia**, 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 A.C.J.M, Chanchal, Malda 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 week 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.

(**Om Narayan Rai, J.)**

(**Arijit Banerjee, J.)**