

21.03.2025
Item no.01.
Court No.29.
S. De

CRM (DB) No. 209 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kaliachak Police Station Case No. 855 of 2022** dated **06.08.2022** under **Sections 302** of the Indian Penal Code.

And

In the matter of : Rafikul Sk @ Sentu Sk. ...Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Tapodip Gupta,
Mr. Ranabeer Halder, ...for the Petitioner.

Mr. Jaydeep Biswas,
Ms. Jonaki Saha, ...for the State.

Dictated by Arijit Banerjee, J.

1. Read orders dated March 4, 2025 and March 12, 2025.
2. Today, learned State counsel tells us that nothing happened on March 19, 2025, which was the last date fixed since the Trial Court is lying vacant since March 2024. This is an alarming state of affairs. We have seen that many Trial Courts are lying vacant. We have observed in many orders that the criminal justice delivery system cannot function like this. The State should take up this matter seriously and fill up the vacancies at the earliest.
3. The petitioner is in custody for more than 2 years and 2 months. The only eye-witness to the alleged incident of murder has turned hostile.
4. In view of the aforesaid and seeing that nobody knows when the vacancy of the Trial Court will be filled up and when the trial will conclude, we are constrained to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Rafikul Sk @ Sentu Sk** 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 Sessions Judge, 5th Court, Malda subject to the condition that the petitioner shall remain within the jurisdiction of the Kaliachak police station except for the purpose of attending Court proceeding and shall meet the O.C/I.C. of the concerned police station on each and every date of hearing, until further orders.
6. 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 in any manner whatsoever.
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. Let a copy of this order be sent to the Member Secretary, Judicial Department, State of West Bengal.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)