

CRM (DB) 239 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 **Panskura Police Station** Case No. **534 of 2018** dated **02.11.2018** under Sections **302/201** of the Indian Penal Code.

- A n d -

In the matter of : Lab Baral

Mr. Aniket Mitra, Petitioner.

... For the Petitioner.

Mr. Partha Pratim Das,
Mrs. Rituparna Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on two occasions. On January 7, 2020, while rejecting his bail prayer in CRM 12386 of 2019, a Coordinate Bench directed the learned Trial Court to conduct the trial with utmost expedition and on day to day basis and conclude the same on an early date preferably within a year from the next date fixed before it without granting unnecessary adjournments to either of the parties. Then again when the petitioner approached a Coordinate Bench by filing CRM (DB) 489 of 2023, by an order dated February 7, 2023, while rejecting his bail prayer, the Coordinate Bench directed the learned Trial Court to expedite the trial and conclude the same on an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

2. The petitioner says that the aforesaid two directions have had no effect at all. He is in custody for six years three months. 12

out of 26 prosecution witnesses have been examined. It is anybody's guess when the trial will conclude.

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

4. We find that in fact, 12 prosecution witnesses have been examined out of 26 charge sheet named witnesses. The prosecution intends to examine 26 witnesses, i.e., 14 more witnesses are proposed to be examined. Therefore, there is very little possibility of an early conclusion of the trial. The petitioner is in custody for a very long period of time. The case is based on circumstantial evidence and there is no eye-witness to the alleged offence of murder.

5. In the aforesaid facts of the case, 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, **Lab Baral**, 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, Tamkul, Purba Medinipur 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.)