

CRM (DB) 253 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 **Banshihari Police Station** Case No. **110 of 2021** dated **25.06.2021** under Sections **341/326/354/302/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Mohidur Rahaman @ Mohidur Islam @ Mahidur @ Mahidur Rahaman

.... Petitioner.

Mr. Aniruddha Bhattacharyya,
Ms. Rai Das,
Ms. A. Bose,
Mr. U. Mukherjee,

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Rajesh Jana,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner complains that he is in custody for more than three years eight months. Charge was framed on October 3, 2023. Since then, the prosecution has examined only 1 out of 31 charge sheet named witnesses, that too, in part. There is no possibility of an early conclusion of the trial. On the ground of delay, he prays for bail.

2. Learned State Advocate while opposing the bail prayer says that on four occasions the presiding officer was on leave. On four occasions the witnesses could not be produced. On the other occasions for various reasons the trial had to be adjourned. On one occasion defence also took time.

3. We, therefore, see that the delay in progress of the trial cannot be attributed to any appreciable extent to the defence. The petitioner is in custody for a substantial period of time.

4. While, no doubt, an offender must be brought to books if necessary by convicting and punishing him in accordance with law, the trial cannot be kept pending for an indefinitely long period of time. A citizen's fundamental right to personal liberty and speedy trial is ordinarily paramount and must override all other considerations. In the present case, we see that the petitioner is in custody for more than three years eight months and there is practically no progress in the trial. Nobody can say when the trial would conclude.

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

6. Accordingly, we direct that the petitioner, namely, **Mohidur Rahaman @ Mohidur Islam @ Mahidur @ Mahidur Rahaman**, 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, Gangarampur at Buniadpur, Dakshin Dinajpur 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 Buniadpur 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)