

03. Court No.29 03.03.2025 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 266 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, arising out of **Ghola** Police Station Case No. **401/2019** dated **25.9.2019** under Section **302** of the Indian Penal Code.

And

In the matter of: - **AMIT SAHA**

...petitioner.

Mr. Angshuman Chakraborty  
Mr. S.S. Saha

...for the petitioner.

Ms. Anasuya Sinha, APP  
Mr. Soumadip Saha

...for the State.

**Dictated by Arijit Banerjee, J.**

1. From the report that was filed before this Court on the last date, we find that two out of 12 prosecution witnesses have been examined till date. The petitioner is in custody for more than five years and five months. 10 more witnesses are yet to be examined. Therefore, there is no likelihood of an early conclusion of the trial.
2. We also cannot say from the report that the delay in progress of trial is solely or substantially attributable to the petitioner.
3. No under-trial accused can be kept in incarceration for an indefinite period of time. The fundamental right to personal liberty and speedy trial, as enshrined in Article 21 of the Constitution of India, is paramount.

4. Hence, solely on the ground of delay in progress of trial and there being little possibility of an early conclusion of the trial, without touching the merits of the case, we are constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **AMIT SAHA** 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, North 24-Parganas, 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 and on further condition that the petitioner, while on bail, shall not leave Barrackpore Sub-Division and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of Ghola Police Station as well as the learned Trial Court and shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction he shall be presently residing, once in a week, until further orders.
6. 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.

7. The application for bail being CRM (DB) 266 of 2025 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

**(Arijit Banerjee, J.)**

**(Prasenjit Biswas, J.)**