

24.03.2025

Item no.23.

Court No.29.

S. De
(Allowed)

CRM (DB) No. 290 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 **Domjur Police Station Case No. 42 of 2021** dated **18.01.2021** under **Sections 498A/302/304B/34** of the Indian Penal Code.

And

In the matter of : Babulal Sk.

...Petitioner.

Md. Md. Wasim Akram,
Mr. S. Halder,for the Petitioner.

Mr. Md. Adil Badr,
Ms. Jonaki Saha,for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. He is a friend of the victim's husband. He is in custody for about 4 years and 2 months. Only the second prosecution witness is in the process of being examined. There are 18 chargesheet named witnesses. There is no possibility of an early conclusion of the trial. He prays for bail, primarily, on the touchstone of Article 21 of the Constitution of India.
2. Opposing the prayer for bail, learned State counsel tells us that there is sufficient incriminating material against this petitioner. The button of a shirt which the petitioner was wearing was recovered from the vicinity of the victim's dead body. All efforts will be made for an early conclusion of the trial.
3. The prosecution may have a very good case to secure the petitioner's conviction. Nobody stands in the way of the prosecution doing so. However, an undertrial accused cannot be kept in incarceration for an unreasonably long period of time.

The petitioner is in custody for about 4 years and 2 months.

There is no possibility of early conclusion of the trial.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to grant bail to the petitioner.
5. Accordingly, we direct that the petitioner, namely, **Babulal 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, First Track Court-III, Howrah subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned police station once in a fortnight, 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. 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.)