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04-03-2025
(ct. no.29)
S. De

CRM (DB) 307 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Sultan Ansari @ Tipu. ...Petitioner.

Mr. Sourov Mondal,
Mr. Arijit Bhuiya,
Mr. Rony Mondal,for the Petitioner.

Mr. Safdar Azam,
Mr. Jyotirmoy Talukdar,
Mr. Fasiur Rahman Molla, ...for the de facto complainant.

Mr. Joydeep Roy,
Ms. Poulami Bose, ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 4 years and 5 months. Only 2 out of 54 chargesheet named witnesses have been examined. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. The State files a status report. Let the same be kept with the records.
3. We find from the status report that the prosecution has examined two witnesses and is in the process of examining the third witness. It proposes to examine 22 out of 54 chargesheet named witnesses. It says that within 8/9 months, the trial should conclude.
4. We find from the material-on-record that the allegation against the petitioner is very serious. Allegedly, upon a lady refusing to marry the petitioner, he brutally murdered the mother and sister of that lady and inflicted grievous injury on

that lady. That lady fought for her life in hospital for forty days and somehow survived. She is an eye-witness to the incident. If convicted, the petitioner will have to serve mandatory life sentence.

5. We further see from the status report that the delay cannot be attributed entirely to the prosecution. There has been systematic delay and also delay because of Covid Pandemic.
6. While it is true that an undertrial accused person cannot be kept in incarceration for an indefinite long period of time, one has to balance such a right of that person against the societal interest. We are told by learned State advocate that the petitioner has been threatening the injured lady who refused to marry him, from inside the correctional home and, as a result, a separate criminal case has been registered against the petitioner. Therefore, enlarging the petitioner on bail may not be the appropriate course of action, at this stage.
7. We further note that the State says that the trial should end within 8 to 9 months.
8. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail.
9. CRM (DB) 307 of 2025 is dismissed.
10. 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.)