

CRM (DB) 317 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 **Karandighi Police Station** Case No. **474 of 2021** dated **01.10.2021** under Section **302** of the Indian Penal Code.

- A n d -

In the matter of : Bul Mahajan @ Bula Mahajan

.... Petitioner.

Mr. Shoumilya Mazumder,

... For the Petitioner.

Mr. Anand Keshri,
Mr. Prakash Mishra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. We find that only 2 out of 15 charge sheet named witnesses have been examined by the prosecution so far. The petitioner is in custody for about two years three months.
3. We, further, see that the prosecution witnesses are not regularly attending the trial Court. Witness warrants had to be issued.
4. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India.
5. The State Advocate says that there is sufficient incriminating material against the petitioner.
6. The prosecution may have the strongest possible case against the petitioner. Nobody stops the prosecution from securing an early conviction of the petitioner so that he can be punished in accordance with law. However, we see that the progress in trial is at a highly unsatisfactory pace. Over the last two and half years only 2 witnesses have been examined.

7. Keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, without touching the merits of the case and solely on the ground of delay, we feel impelled to enlarge the petitioner on bail.

8. Accordingly, we direct that the petitioner, namely, **Bul Mahajan @ Bula Mahajan**, 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, Islampur, Uttar 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 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 week until further orders.

9. 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.

10. The application for bail is, accordingly, allowed.

11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Om Narayan Rai, J.)**

(**Arijit Banerjee, J.)**