

50.  
18-03-2025  
(ct. no.29)  
(allowed)  
debajyoti

## **CRM (DB) 357 of 2025**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Bhangore Police Station Case No.124 of 2022 dated 02-03-2022 under Sections 326/307 of the Indian Penal Code.

- A n d -

**In the matter of : Khokon Molla alias Khokan Molla**  
.... Petitioner.

Mr. Pronojit Roy,  
Mr. Ashutosh Mandal  
... For the Petitioner.

Mr. Pravash Bhattacharya,  
Mr. Arup Sarkar  
... For the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner complains that he is in custody for three years. Only 2 out of 25 charge sheet named witnesses have been examined in full by the prosecution. One witness has been examined in part. He has been falsely implicated. He has no connection with the alleged murder.

2. Learned State advocate says that there is sufficient evidence against this petitioner. 3 out of 25 prosecution witnesses have been examined. All efforts will be made to conclude the trial on an early date.

3. We see that the petitioner is in custody for a long period of time. The last examination of witness was in May, 2024. Since then, there has been no progress in the trial at

all. There appears to be no possibility of an 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 allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Khokon Molla alias Khokan Molla**, 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 learned Additional Sessions Judge, 1<sup>st</sup> Court, Baruipur, South 24 Parganas. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall meet the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**