

54. 18.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 369 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 **Habra** Police Station Case No.**301/2020** dated **02.07.2020** under Sections **341/354/326/307/302** of the IPC, 1860.

And

In the matter of: - **Biswajit Mali @ Biswas.**

...petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha

...for the petitioner.

Ms. Sreyashee Biswas,
Mr. Saptarshi Chakraborty

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on more than one occasion and lastly on April 8 of 2024 in CRM (DB) 940 of 2024.
2. The petitioner says that he is in custody for 4 (four) years and 8 (eight) months. After the last rejection of his prayer for bail on April 8, 2024, not a single witness has been examined. In fact, since November 2023, there has been no witness action. There are 9 more witnesses to be examined by the prosecution. He renews his prayer for bail on the touchstone of Article 21 of the Constitution of India.

3. Opposing the prayer for bail, learned State counsel draws our attention to the dying declaration of the victim, implicating the petitioner in the murder.
4. We have repeatedly said that the prosecution may have the strongest possible case to secure the conviction of an accused person. That *per se* would not justify incarceration of the accused person for an indefinitely long period of time. In the present case, we see that there is little possibility of an early conclusion of the trial.
5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to grant bail to the petitioner.
6. Accordingly, we **allow** the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **Biswajit Mali @ Biswas** 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 *C.J.M., Barasat, North 24 Parganas* . 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial jurisdiction of *Barasat* Police Station except for the purpose of attending court proceedings, until further orders.

The petitioner shall meet the IC/OC of the jurisdictional police station twice in a week, until further orders.

8. 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.
9. The application for bail being CRM (DB) 369 of 2025 is, thus, disposed of.
10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
11. 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.)