

CRM (DB) 370 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 **Chanchal Police Station** Case No. **1208 of 2022** dated **09.10.2022** under Section **302/201** of the Indian Penal Code.

- A n d -

In the matter of : Raja Khan @ Raja

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja,

... For the Petitioner.

Ms. Zareen N. Khan,
Mr. S. S. Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. We find from the report that 5 witnesses have been examined by the prosecution so far. It intends to examine 21 more witnesses. The petitioner is in custody for about two years five months. At the pace the trial is proceeding, there is absolutely no possibility of an early conclusion of the trial.
3. An accused person cannot be kept in incarceration indefinitely pending disposal of the trial. We find that the petitioner's fundamental right to personal liberty and speedy trial is being infringed in the present case.
4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Raja Khan @ Raja**, 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, Chanchal, Malda 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/O.C. of the said police station once in a fortnight until further orders.

6. 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.

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

8. 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.)