

50. 27.03.2025
Court
No.29 (Tanmoy)

Allowed

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

CRM (DB) 397 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, in connection with **Kaliganj** Police Station Case **No.352/2021** dated **03.07.2021** under Sections **302/34** of the Indian Penal Code.

And

In the matter of: - **SUKDEB RAJOWAR @ GOIRAM RAJOWAR @ SUKDEB**

...petitioner.

Mr. Kusal Kumar Mukherjee
Mr. Narattam Acharyya

...for the petitioner.

Mr. Anand Keshri
Mr. Dipankar Paramanick

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We see that the petitioner is in custody for more than three and half years. Only two out of 21 charge-sheet named witnesses have been examined. During the last schedule, which was fixed on March 4 and 5, 2025, no witnesses turned up.
3. Therefore, we see that there is no possibility of an early conclusion of the trial. The petitioner has been in custody for a very long period of time without there being any appreciable progress in the trial.

4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **SUKDEB RAJOWAR @ GOIRAM RAJOWAR @ SUKDEB** 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 the learned Additional Chief Judicial Magistrate, Krishnagar, Nadia, subject to condition that 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 Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Kaliganj Police Station and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station and shall meet the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station within whose jurisdiction he will be presently residing, once every week, until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 397 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)