

40.
Court
No.29
(Allowed)

24.03.2025
(Pritam)

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

CRM (DB) 424 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 **Ghatal** Police Station Case No.**85/2023** dated **03.03.2023** under Sections **498A/302** of the IPC, 1860.

And

In the matter of: - **Rabindranath Santra @ Robe.**

...petitioner.

Ms. Sonali Das

...for the petitioner.

Ms. Zareen Khan,
Mr. Santanu Talukdar

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he had no intention of killing his wife. He was provoked. He was first hit and then he retaliated. There are no materials to support the charge under Section 302 IPC. He is in custody for about 2 (two) years and 1 (one) month. Only 3 out of 15 charge-sheet named witnesses have been examined. He prays for bail on merits as also on the ground of delay in trial.
2. Opposing the prayer for bail, learned State counsel draws our attention to the statement of the son of the petitioner and the victim lady, recorded under Section 164 Cr.P.C. He says that

the petitioner was under the influence of alcohol and being provoked by the victim lady, he retaliated.

3. We see that charge-sheet was filed in May 2023. Charge was framed in July 2023. Till date, only 3 witnesses have been examined. The last witness action was in February 2024, i.e., more than a year ago.
4. Therefore, we find that an early conclusion of the trial is highly unlikely. Considering the period of detention of the petitioner and that the trial is unlikely to conclude on an early date, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Rabindranath Santra @ Robe.** shall be released on bail upon furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand) to the satisfaction of learned A.C.J.M, *Ghatal, Paschim Medinipur*. 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 not enter the territorial jurisdiction of *Ghatal* Police Station except for the purpose of attending court proceedings, until further orders. The petitioner shall intimate his present local address to the I.O. and also the learned trial court, where he will be

residing while he is on bail and shall meet henceforth the I.C. of the local jurisdictional police station where he will reside once in a week, until further orders.

7. 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.
8. The application for bail being CRM (DB) 424 of 2025 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. 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.)