

55.
05-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 465 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 Dankuni Police Station Case No.308 of 2013 dated 20-09-2013 under Sections 363/366/376/302 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Chandan Mal

.... Petitioner.

Ms. Jeenia Rudra,
Ms. Sangeeta Halder

... For the Petitioner.

Mr. Avishek Sinha,
Ms. Chandreyee Dutta

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.
2. Service report filed by the State is also kept with the records. In spite of service, none appears on behalf of the defacto complainant.
3. We see that the petitioner is in custody for more than 11 years 5 months. Only 11 out of 19 charge sheet named witnesses have been examined. The State says that six more witnesses will be examined. Today and tomorrow are dates fixed for examination of witnesses. There is overwhelming evidence against the petitioner. The offence is of a heinous nature. The victim lady was kidnapped, raped and killed.

4. The submission made on behalf of the State are all on merits. We have said time without numbers that the strength of a prosecution case will not justify incarceration of the concerned under-trial accused for an indefinite period of time without concluding the trial. If the evidence is indeed so strong, the prosecution should make all endeavours to conclude the trial on an early date, secure the accused person's conviction so that he can be punished in accordance with law.

5. However, eleven and a half years is far too long a time period to keep an accused person in judicial custody without taking the trial to its logical conclusion.

6. Hence, on the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we are inclined to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Chandan Mal**, 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, F.T.C., Serampore, Hooghly. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once 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 is, thus, **allowed**.

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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)