

12.03.2025

Item no. 4.

Court No.29.

AB

(Allowed)

**CRM (DB) 577 of 2025**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burra Bazar Police Station Case No.211 of 2020 Dated 31.10.2020 under Section 395/397/307/34 of the Indian Penal Code

And

**In the matter of : Kishna Ram @ Kisan Ram Mali**

**.....Petitioner.**

Mr. Sourav Chatterjee, Sr. Adv,  
Mrs. Subhasree Patel,  
Mr. Soham Banerjee .....for the Petitioner.

Mr. Saryati Dutta  
Mr. Karan Bapuli .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner says that he is in custody for four years and four months. Only 7 out of 36 charge sheet named witnesses have been examined. He also suffers from orthopedic problems. He refers to the medical report issued by the Senior Medical Officer, Presidency Correctional Home at page 81 of the bail petition. He prays for bail primarily on the ground of delay and long detention in judicial custody.
2. Learned State Advocate fairly points out that two accused persons have been granted bail by this Court and one person has been granted bail by the Hon'ble Supreme Court. The Hon'ble Supreme Court has

granted bail purely on the touchstone of Article 21 of the Constitution of India.

3. We find that this petitioner is similarly circumstanced as the accused person, who has been enlarged on bail by the Hon'ble Supreme Court, insofar as the period of detention and delay in progress of the trial are concerned.
4. Hence, we enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely **KISHNA RAM @ KISAN RAM MALI** 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 Additional Chief Metropolitan Magistrate, Calcutta, and on further conditions that he shall remain within the Municipal limits of Kolkata and shall report to the Officer in charge, Anti Dacoity Section once in a week until further orders.
6. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Om Narayan Rai, J.)**

**(Arijit Banerjee, J.)**