

27.02.2025
Item no. 26.
Court No.29.
AB
(Allowed)

CRM (DB) 535 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 Arambagh Police Station Case No.189 of 2020 Dated 19.05.2020 under Sections 498A/304B/302/201/34 of the Indian Penal Code

And

In the matter of : Mahadeb Bera

.....Petitioner.

Mr. Subhajit Manna,
Mr. Shounak Mondal

.....for the Petitioner.

Ms. Baishali Basu,
Mr. Santanu Talukdar

.....for the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. We find from the report that only 2 out of 13 charge sheet named witnesses have been examined. Charge was framed on August 11, 2022. In the last two and a half years, only 1 prosecution witness has been examined in full and one witness has been examined in part.
3. From the order sheets, we find that the delay in progress of the trial cannot be attributed to this petitioner. The other accused persons, who are on bail, appear to have regularly attended the Trial Court.
4. In view of the tardy progress in trial and prolonged incarceration of the petitioner, we are constrained to grant him bail, without touching the merits of the case

and solely on the touchstone of Article 21 of the Constitution of India.

5. Accordingly, we direct that the petitioner, namely **MAHADEB BERA** 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 Judicial Magistrate, Arambagh, Hooghly, and on further conditions that he shall remain within the jurisdiction of the concerned Police Station and shall meet the Officer in Charge of the concerned Police Station once in a fortnight 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

