

14.
04-03-2025
(ct. no.29)
pg/RUP
(allowed)

CRM (DB) 651 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 Bizpur Police Station Case No.455 of 2017 dated 18-08-2017 under Sections 498A/325/309/109 of the Indian Penal Code.

- A n d -

In the matter of : Manaj Das @ Manoj Ram @ Monaj
.... Petitioner

Mr. Arindam Jana
Mr. Subhajit Chowdhury
Mr. Yuvraj Chatterjee

... For the Petitioner

Mr. Bitasok Banerjee
Mr. Kaustav Banerjee

... For the State

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected last on December 14, 2020 in CRM 9954 of 2020. While rejecting his prayer, a Coordinate Bench directed the trial Court to forthwith commence examination of witnesses and conclude the same at an early date preferably within six months from the next date fixed for recording of evidence without granting unnecessary adjournment to either of the parties.

2. The petitioner says that he is now in custody for more than seven and half years. Not a single witness has been examined. There are 20 charge sheet named witnesses. April 5, 2025, has been fixed as the date for examination of the first prosecution witness. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India.

3. Opposing the prayer, learned State advocate tells us that there is sufficient incriminating evidence against this petitioner. He is the husband of the victim lady who was murdered. The delay has been substantial because two other accused persons who were granted bail, are absconding. The prosecution shall make all efforts to conclude the trial on an early date.

4. The prosecution may have the strongest possible case to secure the conviction of the petitioner. Nobody stands in the way of the prosecution doing so. However, seven and half years is far too long a period to detain an under-trial accused in judicial custody without there being any progress in the trial at all. Not a single witness has been examined till date. If other accused persons are absconding, then appropriate steps should be taken for apprehending them and for splitting up the trial so that at least the trial can proceed against the petitioner.

5. Without touching the merits of the case and solely on the ground of no progress in the trial coupled with very long detention of the petitioner in custody, we feel constrained to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Manaj Das @ Manoj Ram @ Monaj**, 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 District Judge, Fast Track 4th Court at Barrackpore. 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 in any manner whatsoever. The petitioner shall remain within the territorial limits of Bizpur Police Station and shall appear before the

Officer-in-Charge/Inspector-in-Charge of the jurisdictional Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Bizpur Police Station and the jurisdictional Police Station his current local address where he shall be residing while on bail.

7. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned 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 is, thus, **allowed**.

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.)

(Prasenjit Biswas, J.)