

23.04.2025

Item No.73

Ct.No.34

rc.

Allowed

C.R.M. (DB) 798 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burrabazar Police Station Case No. 66 of 2012 dated 12.02.2012 under Sections 302/34 of the Indian Penal Code along with Sections 25/27 of the Arms Act.

And

In Re : **Mukesh Thakur**

... Petitioner

Mr. Apalak Basu

Ms. Sanghamitra Mridha

Mr. Shuvam Kanjilal

... for the Petitioner

Mr. Debasish Roy

Mr. Arijit Ganguly

Mr. Koushik Kundu

... For the State

Heard learned counsels for the parties.

The petitioner is in custody for more than 10 years and prays for bail.

Opposing the prayer, learned counsel for the State submits that the delay in trial is largely attributable to the petitioner whose learned counsel took several adjournments for cross examination of PW-14. The prosecution proposes to examine 15 more witnesses.

On merits, the bail prayer of the petitioner was turned down by this Court earlier. Delay in trial is attributable to system reasons besides the conduct of the learned counsel for the petitioner. Without going into the merits of the case

further, this Court is of the view that the petitioner ought to be released on bail solely on the touchstone of Article 21 of the Constitution of India in view of the protracted incarceration and delay in trial. It is worth mentioning that examination of another 15 witnesses shall take some time and chances of conclusion of trial in near future is bleak.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Mukesh Thakur**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Calcutta subject to condition that the petitioner shall remain within the jurisdiction of the Burrabazar Police Station and shall furnish the address where he shall presently reside and his mobile phone number before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police station under whose jurisdiction he shall henceforth reside. The petitioner shall not change the said mobile phone number without intimation to the learned trial Court, the Investigating Officer and the Officer-in-Charge of the concerned police station. The petitioner shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause,

the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)