

May 06, 2025

26 ARDR

Allowed

CRM (DB) 877 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Dum Dum**
Police Station Case No. **34** of **2017** dated **10/1/2017** under Section
302/201 of the Indian Penal Code.

And

In Re : Anil Kumar Sethi @ Shetty

... Petitioner.

Adv. Debasis Kar,
Adv. Husen Mustafi

... for the petitioner.

Adv. Avishek Sinha,
Adv. Debanik Das,

... for the State.

Learned counsel for the petitioner submits that the petitioner
is in custody for more than eight years and there has been no
progress in trial of the case since 2023. The petitioner prays for bail.

Learned counsel for the State opposes the prayer and submits
that sufficient incriminating material has transpired against the
petitioner in evidence. The hotel boy has identified the petitioner in
T.I. parade. The petitioner's signature is found in the register of the
hotel. He was also last seen together with the victim in the hotel
room prior to her murder. The victim was manually strangled.

It is true that sufficient incriminating material has transpired
against the petitioner in evidence. On merits, the petitioner does not
deserve any favourable order.

However, in view of the fact the petitioner is suffering
incarceration for more than eight years and it will still take some
more time for conclusion of trial, this Court is inclined to hold that
the petitioner be released on bail solely on the ground of his

prolonged incarceration, on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner, namely Anil Kumar Sethi @ Shetty 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 Additional Chief Judicial Magistrate, Barrackpore, subject to condition that he shall remain within the jurisdiction of the learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, Investigating officer and the Officer in charge of the concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions stated above, 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 disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Suvra Ghosh, J.)