

08.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 920 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Panchla Police Station Case No. 154 of 2019 dated 18.06.2019 under Sections 498A/302/34 of the Indian Penal Code.

And

In Re : Bapan Das

Sk Toslim Ali

... For the Petitioner.

Mr. Kaushik Biswas

Mr. Karan Bapuli

... For the State.

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

Heard learned counsels for the parties.

Bail prayer of the petitioner was turned down on earlier occasions considering the material on record. Undoubtedly the offence alleged is extremely grave and the petitioner does not deserve a favourable order on merits.

However, it appears that only 3 out of 15 witnesses have been examined so far. P.W. 3 was examined on 3rd January, 2023. Since then there has been no further progress in trial. The delay appears to have been caused largely at the instance of the prosecution.

Considering the period of incarceration of the petitioner as well as the slow pace in progress of trial, 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 without going into the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely Bapan Das shall 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, Howrah subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any 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 disposed of.

Case diary be returned.

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.)