

16.
18-03-2025
(ct. no.29)
(allowed)
debajyoti

CRM (DB) 892 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 Bhupatinagar Police Station Case No.356 of 2021 dated 04-10-2021 under Sections 363/364A/365/120B of the Indian Penal Code.

- A n d -

In the matter of : Manik Patra

.... Petitioner.

Mr. Sourov Mondal,
Mr. Archan Dutta,
Ms. Megha Datta,
Mr. Rony Mondal

... For the Petitioner.

Mr. Dipankar Paramanick

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 14, 2025 passed in CRM (DB) 1 of 2025, whereby a co-accused person by the name of *Suman Samanta* was enlarged on bail by this Bench, only on the touchstone of Article 21 of the Constitution of India. That person was in custody for 3 years 4 months. The petitioner says that he stands on the same footing and is also in custody for 3 years 4 months. Only 4 out of 21 charge sheet named witnesses have been examined.

2. Learned advocate for the State says that the bail prayer of a co-accused person by the name of Papu Jana @ Pappu Jana was rejected by a coordinate Bench on February 13, 2025 in CRM (DB) 3727 of 2024. That order was not placed before this Bench when this Bench passed the order dated

February 14, 2025. Further, we find from that order that the point of Article 21 of the Constitution of India was not urged before that Bench.

3. We find that this petitioner is similarly circumstanced as *Suman Samanta* who has been enlarged on bail solely on the ground of inordinate delay in progress of the trial and prolonged custodial detention coupled with no possibility of an early conclusion of the trial.

4. Therefore, solely on the touchstone of Article 21 of the Constitution of India, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Manik Patra**, 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 Chief Judicial Magistrate, Contai. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Bhupatinagar Police Station except for the purpose of attending the court proceedings and shall, through his learned advocate, inform the learned trial Court, Bhupatinagar Police Station and the police station under which jurisdiction he shall be residing while on bail, his current local address and shall report to the Officer-in-Charge/Inspector-in-Charge of such police station where he shall be residing while on bail, once in a week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

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

9. 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.)

(Apurba Sinha Ray, J.)