

5.
24-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 937 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 Sankrail Police Station Case No.811 of 2020 dated 11-09-2020 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Rajesh Show @ Rajesh Sha

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha,
Mr. Ranabeer Halder

... For the Petitioner.

Mr. Suman De,
Mr. Dipankar Mahata

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than 4 years 6 months. Only 1 out of 15 charge sheet named witnesses has been examined. He prays for bail on the ground of delay in progress of trial.

2. Learned State advocate, while opposing the prayer for bail, says that this is the sixth application of the petitioner. He has suffered five rejections before.

3. We see that charge was framed on June 16, 2022. Almost 3 years have passed since then. Only one witness has been examined. From a chart handed up by learned advocate for the petitioner, we find that on several occasions, witness

was not present. We do not see that this petitioner can be made responsible for the delay in trial.

4. Considering the long period of detention that the petitioner has suffered and seeing that there is no possibility of the trial concluding on an early date, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Rajesh Show @ Rajesh Sha**, 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 Chief Judicial Magistrate, Howrah. The petitioner shall appear before the learned 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 and shall not commit any cognizable offence in any manner whatsoever. While on bail, the petitioner shall remain within the jurisdiction of Howrah Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge of Howrah Police Station once in a week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Howrah Police Station and Sankrail Police Station, his current local address where he shall be residing while on bail.

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.)