

11.
21-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 938 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 Jhargram All Women Police Station Case No.07 of 2016 dated 24-02-2016 under Sections 498A/302/34 of the Indian Penal Code and Sections 3 & 4 of the D. P. Act.

- A n d -

In the matter of : Dasharath @ Dashadhar Dhar

.... Petitioner.

Mr. Soumya Basu Roy Chowdhury,
Mr. Sourav Mukherjee

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Mr. Mainak Gupta

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record.
2. The petitioner says that he is in custody for more than 9 years. Only 4 out of 25 charge sheet named witnesses have been examined. Solely on the ground of inordinate delay, he prays for bail.
3. Learned Additional Public Prosecutor tells us that two of the charge sheet named witnesses have already expired. 23 witnesses are now there. 4 of them have been examined.
4. We, therefore, see that there is absolutely no possibility of an early conclusion of the trial. Nine years is far too long a period of time to detain an under-trial accused in judicial custody.

5. Without touching the merits of the case and purely on the touchstone of Article 21 of the Constitution of India, we are inclined to allow the application for bail.

6. Accordingly, we direct that the petitioner, namely, **Dasharath @ Dashadhar Dhar**, 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, Jhargram. 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. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

7. 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.

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

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

10. 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.)