

17. 26.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 1011 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Bhangore** Police Station Case No.**215/2016** dated **28.03.2016** under Sections **498A/302/394/397/118/120B** of the IPC, 1860 & Section 25(1)(a)/27 of the Arms Act & Sections 3/4 of the Dowry and Prohibition Act.

And

In the matter of: - **Surajit Mondal @ Asto & Ors.**

...petitioners.

Mr. Joy Chakraborty,
Mr. Sandip Dinda

...for the petitioners.

Ms. Faria Hossain, Ld. A.P.P.,
Ms. Ayana Dey

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. The petitioners say that they are in custody for a few days short of 9 (nine) years. On the touchstone of Article 21 of the Constitution of India, they pray for bail.
3. Learned State advocate, while opposing the prayer for bail, points out that the petitioner no.2 is the husband of the victim lady, who was brutally murdered. He says that the court may consider granting bail to the other petitioners on the touchstone

of Article 21 of the Constitution of India but given that the petitioner no.2 was the husband of the victim lady, he should not be granted bail.

4. We see that all the petitioners are in custody for 9 (nine) years. 2 witnesses are yet to be examined by the prosecution as stated by the learned advocate for the State.
5. We have often said that even an iron cast prosecution case will not justify indefinite incarceration of an accused under-trial person without taking the trial to its logical conclusion.
6. In this case, there has been inordinate delay in progress of the trial. It does not appear that the delay can be attributed wholly or to any appreciable extent to the petitioners. Hence without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow this bail petition.
7. Accordingly, we **allow** the petitioners' prayer for bail.
8. Accordingly, we direct that the petitioners, namely, **Surajit Mondal @ Asto, Bappa Gayen, Raja Sardar & Surajit Naskar @ Pancha**. 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 District & Sessions Judge, 1st Court, Baruipur, South 24 Parganas*. The petitioners shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita,

2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall not enter the territorial jurisdiction of *Bhangore* Police Station except for the purpose of attending court proceedings and shall intimate their current local address to the Officer-in-Charge/Inspector-in-Charge as well as to the learned trial court where they will presently reside while they will be on bail and shall meet the present local jurisdictional police station once in a week, until further orders.

9. In the event the petitioners fail 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.
10. The application for bail being CRM (DB) 1011 of 2025 is, thus, disposed of.
11. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
12. 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.)