

June 24, 2025

21 ARDR

(Allowed)

CRM (DB) 1113 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Bishnupur Police Station Case No. **484** of **2020** dated **17/9/2020**
under Sections **302/34** of the Indian Penal Code.

And

In Re : Rafikul Mondal alias Rafik

... Petitioner.

Adv. Angshuman Chakraborty,
Adv. S. S. Saha,

... for the petitioner.

Adv. Rudradipta Nandy,
Adv. Sanjana Saha,

... for the State.

Report submitted by the State is taken on record.

Learned counsel for the petitioner submits that only four out
of twenty witnesses have been examined so far. Learned trial Court
is lying vacant at present.

Learned counsel for the State submits, on instructions, that
the prosecution proposes to examine seventeen witnesses out of
whom four witnesses have been examined.

The petitioner is in custody for more than four years.
Possibility of trial being concluded in near future is bleak. The
petitioner is entitled to be released on bail solely on the touchstone
of Article 21 of the Constitution of India without considering the
merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Rafikul Mondal alias Rafik** 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, South 24 Parganas at Alipore** subject to the

condition that he shall remain outside the jurisdiction of Blshnupur Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating officer and the Officer in charge of the police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The petitioner shall provide his mobile phone number before the abovenamed authorities and shall not change the same without prior intimation to them.

In the event the petitioner fails to adhere to any of the conditions as stated above, 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.)