

22.05.2025

43

jb.

jdt.

Allowed

C.R.M. (DB) 1136 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Monteswar Police Station Case No. 260 of 2021 dated 14.07.2021 under Sections 302/34 of the Indian Penal Code.

And

In Re : Md. Musa Sk

Mr. Sujan Chatterjee

Mr. Rohan Bavishi

... For the Petitioner.

Mr. Bitasok Banerjee

Mr. Dipankar Pramanick

... For the State.

The petitioner is in custody for close to 4 years and renews his prayer for bail on the ground of his detention and slow progress in trial.

Learned counsel for the State opposes the prayer.

It appears that bail prayer of the petitioner was turned down earlier by this Court considering the material on record. However, the petitioner is in custody for about 4 years. Charges were framed on 23rd December, 2022 and since then no witness has been examined by the prosecution out of 18 witnesses proposed to be examined. There has, in fact, been no progress in trial despite direction of this Court to expedite the trial and conclude the same at an early date.

In view of the period of detention of the petitioner as well as slow progress in trial, this Court is inclined to hold that the petitioner be released on bail solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Md. Musa Sk shall 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 Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman subject to condition that he shall not enter the jurisdiction of Monteswar police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

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