

25.04.2025

19

jb.

jdt.

Allowed

C.R.M. (M) 112 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatia Nagarik Suraksha Sanhita in connection with Asansol South Police Station Case No. 261 of 2019 dated 12.08.2019 under Sections 364A/120B of the Indian Penal Code with added Sections 302/201/34 of the Indian Penal Code.

And

In Re : Prabin Kumar Ray

... Petitioner.

Mr. Ayan Basu

Sk. Salim

... For the Petitioner.

Mr. Subhamay Bhattacharya

Mr. Sobhan Gani

... For the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

Learned counsel for the State opposes the prayer for bail.

It appears that 11 out of 32 witnesses have been examined so far. Three witnesses have expired. The prosecution proposes to examine 17 more witnesses. The petitioner is in custody for more than 5 years. Trial has not been concluded despite direction of this Court vide order dated 11th April, 2023 in CRM (DB) 1441 of 2023.

Offence is undoubtedly extremely grave in nature. However, considering the period of incarceration of the petitioner as well as the fact that trial will take some time to conclude, prayer for bail is allowed solely on the touch stone of Article 21 of Constitution of India without going into the merits of the case.

The petitioner namely Prabin Kumar Ray 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 Chief Judicial Magistrate, Asansol, Paschim Bardhaman subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and he shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, 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.

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.)