

30.04.2025

19

jb.

jdt.

Allowed

C.R.M. (M) 128 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 Eco Park Police Station Case No. 21 of 2021 dated 04.02.2021 under Sections 448/506/342/302/34 of the Indian Penal Code.

And

In Re : Mangol Ghosh @ Mongol Ghosh @ Mangal Ghosh

Mr. Susnigdho Bhattacharyya
... For the Petitioner.

Mr. Subhamay Bhattacharya
Mr. Sobhan Gani
... For the State.

Report submitted by the State is taken on record.

It appears from the report that trial has not progressed despite several dates being fixed by the learned trial Court. On merits, bail prayer of the petitioner does not deserve to be considered.

However, in view of the protracted incarceration of the petitioner without trial, this Court is inclined to hold that the petitioner may be released on bail solely on the touchstone of Article 21 of the Constitution of India without going into the merits of the case.

Accordingly, the prayer for bail is allowed.

The petitioner namely Mangol Ghosh @ Mongol Ghosh @ Mangal Ghosh 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, Barasat, North 24 Parganas subject to condition that he shall not enter the jurisdiction of Eco

Park police station and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever. He 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.

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.)