

16.05.2025

Item No.31

Ct.No.34

rc.

Allowed

C.R.M. (M) 316 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dhantala Police Station Case No. 134 of 2021 dated 29.03.2021 under Sections 448/376(3)(I) of the Indian Penal Code.

And

In Re : **Gopal Basu**

... Petitioner

Mr. P. Mukherjee

... for the Petitioner

Mr. Partha Pratim Das

Ms. Debarshi Brahma

... For the State

Affidavit of service filed by the petitioner is taken on record.

The victim is not represented despite service.

Heard learned counsels for the parties.

The petitioner is in custody for more than four years and prays for bail.

Learned counsel for the petitioner seeks parity with the co-accused who has been granted bail earlier.

Learned counsel for the State opposes the prayer for bail.

It appears that in rejecting the bail prayer of the petitioner on August 12, 2024, this Court directed the victim to be examined at an early date and trial to be concluded

preferably within a period of eight months from the next date fixed for recording of evidence.

This Court is informed that the victim has been examined. Four witnesses out of fourteen witnesses have been examined till date.

Considering the period of detention of the petitioner as well as the fact that chances of conclusion of trial in near future is bleak, this Court is of the view that further detention of the petitioner is not required and he may be released on bail solely on the touchstone of Article 21 of the Constitution of India without entering into the merit of the case.

Accordingly, prayer for bail of the petitioner is allowed.

The petitioner **Gopal Basu** 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, Ranaghat, Nadia subject to condition that he shall remain outside the jurisdiction of Dhantala 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 concerned police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without 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, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)