

24.06.2025

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jb.

jdt.

Allowed

C.R.M. (M) 424 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 Jagacha Police Station Case No. 87 of 2018 dated 10.06.2018 under Sections 302/120B/34 of the Indian Penal Code.

And

In Re : Subham Adhikary @ Roni @ Subha Adhikary @ Suvam Adhikary

Mr. Ranadeb Sengupta

Mr. Sachit Talukder

... For the Petitioner.

Zareen N. Khan

Nahid Ahmed

... For the State

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner is in custody for more than 7 years. 10 out of 25 witnesses have been examined so far. The report indicates that witnesses have not turned up on several dates fixed by the learned trial Court and trial is proceeding at a snail's pace. Possibility of completion of trial in near future is bleak.

In view of the above, this Court is inclined to hold that the petitioner is entitled to 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 Subham Adhikary @ Roni @ Subha Adhikary @ Suvam Adhikary 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, Howrah subject to condition that 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 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.

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.)