

17.06.2025

26

jb.

jdt.

Allowed

C.R.M. (M) 442 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 Jorabagan Police Station Case No. 37/2018 dated 08.04.2018 under Sections 395/397/120B of the Indian Penal Code and under Section 25(1B)(a) of the Arms Act.

And

In Re : Dindayal Sharma @ Dinu Pandit

Mr. Dhiraj Trivedi
Mr. Sunil Gupta
Ms. Swapna Jha
Ms. Supriti Sarkhel
Mr. Shwetark S. Prasad

... For the Petitioner.

Mr. Antarikshya Basu
Mr. Subhasish Dutta

... For the State.

The petitioner is in custody for more than 5 years and prays for bail primarily on the anvil of Article 21 of the Constitution of India.

Heard learned counsels for the parties.

This Court is informed that the prosecution proposes to examine 17 witnesses out of whom 11 have been examined in full. It appears from the order sheets appended to the application that despite direction of this Court to expedite the trial to the fullest extent possible and conclude the same within a stipulated time frame, prosecution failed to produce witnesses on several dates and only two more witnesses have been examined after bail prayer of the

petitioner was turned down by this Court on 27th September, 2024.

Regard being had to the period of incarceration of the petitioner and slow progress of trial, this Court is of the view that the petitioner is eligible for bail solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Dindayal Sharma @ Dinu Pandit 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, Calcutta subject to condition that he shall remain within the jurisdiction of Jorabagan 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. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever. He shall also provide his mobile number to the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside and shall not change the same without prior intimation to the said authorities.

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.)