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14.07.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 709 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Burtolla P.S. Case No. 120 of 2017 dated 30.05.2017 under Sections 366B/370(4)/372/373/376/467/468/471/120B of the Indian Penal Code.

And

In Re : **Russel Seikh @ Rasel Shak @ Russel Sheikh...** Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Arkadeb Bhattacharya ... for the Petitioner.

Mr. Partha Pratim Das

Ms. Suruchi Saha ... 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 8 years and prays for bail.

Learned counsel for the State opposes the prayer.

This Court is informed that 14 witnesses have been examined and the prosecution proposes to examine 16 more witnesses. There is little possibility of trial being concluded in near future.

Considering the period of incarceration of the petitioner, this Court is inclined to hold that petitioner is entitled to bail solely on the touchstone of the Article 21 of the Constitution of India, without going into the merits of the case.

Accordingly, prayer for bail is allowed.

The petitioner namely **Russel Sheikh @ Rasel Shak @ Russel Sheikh** 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 appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed by the learned trial Court 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.

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.)