

23.07.2025

Item No.40

Ct.No.34

rc.

Allowed

C.R.M. (M) 864 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 Belur Police Station Case No. 143 of 2018 dated 28.09.2018.

And

In Re : **Shyamal @ Panchkari Majhi**

... Petitioner

Mr. Soumya Basu Roy Chowdhury

... for the Petitioner

Mr. Ranabir Roychowdhury

Ms. Madhumita Basak

... For the State

Heard learned counsels for the parties.

The petitioner is in custody for more than six years and renews his prayer for bail.

On merits, the petitioner does not deserve a favourable order at this stage. However, this Court is informed that despite several directions by this Court for expeditious disposal of the case, only one out of twenty six witnesses has been examined so far. Chance of trial being concluded in near future is bleak.

In view of prolonged incarceration of the petitioner, this Court is inclined to hold that the petitioner 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, prayer for bail is allowed.

The petitioner **Shyamal @ Panchkari Majhi** , 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. 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 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.)