

12.09.2025

42

jb.

jdt.

Allowed

C.R.M. (M) 1342 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 Khejuri Police Station Case No. 205 of 2018 dated 17.10.2018 under Sections 302/326/506/307/34 of the Indian Penal Code
And

In Re : Sk. Arif Ali @ Sk. Suraj Ali

Mr. Navanil De
Mazhar Hossain Chowdhury
Ms. Monami Mukherjee
Ms. Chandrima Debnath
... For the Petitioner.

Z. N. Khan
Mujibar Ali Naskar
... For the State

The petitioner is in custody for about 7 years and renews his prayer for bail solely on the ground of prolonged detention.

Learned counsel for the State submits that 7 out of 27 witnesses have been examined so far. Bail prayer of the petitioner was turned down considering the material on record on several occasions earlier.

On merits, the petitioner does not deserve a favourable order.

However, considering the period of incarceration of the petitioner and also the fact that there is little possibility of conclusion of trial in near future, this Court is inclined to hold that the petitioner is entitled to bail solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Sk. Arif Ali @ Sk Suraj Ali 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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur 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.)