

12.
08-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2721 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Serampore Police Station Case No.132 of 2022 dated 02-05-2022 under Sections 302/201 of the Indian Penal Code.

- A n d -

In the matter of : Subir Adhikary

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Sanjib Mitra,
Mr. Tusar Hazra

... For the Petitioner.

Ms. Anasuya Sinha, learned APP,
Ms. Pritha Paul

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State today be kept with the records. We find that on the last three occasions, prosecution witnesses did not turn up for being examined. The petitioner is in custody for more than 2 years 7 months. Ten witnesses are proposed to be examined by the prosecution. Witness action has not yet begun. The case is based on circumstantial evidence.

2. In view of the aforesaid, we see that there is little likelihood of the trial concluding on an early date. In fact, there has been no progress in the trial.

3. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Subir Adhikary**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Serampore. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)