

13.
08-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 2722 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 Burwan Police Station Case No.227 of 2021 dated 13-08-2021 under Sections 341/326/307/302/120B/34 of the Indian Penal Code and Sections 3/4 of E. S. Act and Sections 25/27 of the Arms Act.

- A n d -

In the matter of : Saddam Sk & Anr.

.... Petitioners.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sourav Chatterjee, Sr. Adv.,
Mr. Md. Jannat ul Firdous,
Mr. Rajesh Naskar

... For the Petitioners.

Mr. Debabrata Chatterjee, Jr. Govt. Adv.,
Mr. Rajes Jana

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State today be kept with the records. It appears that the prosecution intends to examine 17 more witnesses. The petitioners are in custody for more than 3 years 4 months. There does not appear to be any chance of an early conclusion of the trial.

2. We have said on many occasions that the prosecution may have an iron cast case against the accused persons. Nobody stands in the way of the prosecution securing conviction of the accused persons. Indeed, if the prosecution has such a strong case, it is all the more

desirable that the trial is concluded on an early date so that the offenders can be duly punished in accordance with law. However, a trial cannot be kept pending for an indefinite period of time keeping the accused persons in judicial custody.

3. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, keeping in mind the lengthy detention of the petitioners and very little possibility of early conclusion of the trial, we feel constrained to enlarge the petitioners on bail, but on stringent conditions.

4. Accordingly, we direct that the petitioners, namely, **Saddam Sk** and **Sabur Sk**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District & Sessions Judge, 1st Fast Track Court, Kandi, Murshidabad. The petitioners 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 petitioners shall remain within the jurisdiction of Kandi Police Station and shall furnish, through their learned advocate, the address where they shall be residing while on bail, to the learned trial Court as also the Officers-in-Charge/Inspectors-in-Charge of Kandi Police Station and Burwan Police Station and shall also appear before the Officer-in-Charge/Inspector-in-Charge of Kandi Police Station once in every week, until further orders.

5. In the event the petitioners fail 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.)