

CRM (DB) 2970 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kulti Police Station** Case No. **147 of 2022** dated **07.03.2022** under Sections **302/120B/201** of the Indian Penal Code and Sections 27/35 of the Arms Act.

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In the matter of : Aditya Kumar Singh alias Aditya Singh alias Chotu

.... Petitioner.

Mr. Anupan Das,
Mr. Soupal Chatterjee,

... For the Petitioner.

Mr. Debabrata Chatterjee,
Md. Kutubuddin,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner is in custody for more than two years eight months. Only 3 witnesses have been examined. There is no incriminating material against the present petitioner, since there is no eye-witness to the alleged incident. There is no chance of an early conclusion of the trial. He may be enlarged on bail.

2. Learned State Advocate opposes the bail prayer. He says that it is the petitioner who is responsible for the delay, since knowing fully well he is not a juvenile at the time of the alleged incident, he filed a petition before the learned Trial Court for deciding his age. Accordingly ossification test was done and report was submitted intimating that he was not a juvenile at the time of commission of the alleged crime. Due to which almost one year has elapsed. He further submits that the prosecution will adduce 30 more witnesses in this case.

3. We have considered the materials on record. It is true that for ossification test almost one year was lost but it appears that there is no chance of an early conclusion of the trial. The statements of the witnesses recorded under Section 164 of the Criminal Procedure Code show that the concerned witnesses were not direct witnesses who saw the incident. Since there is no chance of early conclusion of the trial, we find that the fundamental right of the accused for speedy justice will be prejudiced if the petitioner is not enlarged on bail on certain condition.

4. Hence, we are inclined to enlarge the petitioner on bail solely on the touchstone of Article 21 of the Constitution of India.

5. Accordingly, we direct that the petitioner, namely, **Aditya Kumar Singh alias Aditya Singh alias Chotu**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Paschim Burdwan subject to condition that he shall appear before the trial court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station and shall meet the officer in charge of the concerned police station once every fortnight until further orders.

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

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)