

02.01.2025
Item no. 08.
Court No.29.
AB
(Allowed)

CRM (DB) 3200 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Manikchak Police Station Case No.252 of 2019 Dated 16.07.2019 under Section 302/34 of the Indian Penal Code

And

In the matter of : Arjun Ghosh Petitioner.

Md. Sarwar Jahan,
Mr. Sayantan Hazra for the Petitioner.

Ms. Sanjana Saha for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State in Court today, be kept with the records.
2. We see from the report that on several occasions the hearing before the learned Trial Court had to be adjourned for no fault of the petitioner. The petitioner is in custody for about five years and six months.
3. From the report filed by the State, we see that the last witness was examined in December, 2022. Learned State Advocate says that the next date fixed before the learned Trial Court is January 17, 2025. However, we are not very hopeful about an early conclusion of the trial considering the manner in which the trial has been conducted in the past.
4. Five and a half years is a very long period of time to keep an under-trial in incarceration, without concluding

the trial within a reasonable period of time. This surely infringes a person's fundamental right to personal liberty and speedy trial enshrined in Article 21 of the Constitution of India, which, ordinarily, overrides all other considerations.

5. Hence, without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial and very long detention of the petitioner, we feel impelled to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **ARJUN GHOSH** 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, Malda, and on further condition that he shall not leave the jurisdiction of Manikchak Police Station except for attending Court proceedings and shall report to the Officer in charge, Manikchak Police Station once in a fortnight until further orders.
7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
8. 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.

9. The application for bail is, accordingly, allowed.
10. 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.)