

37. 08.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3201 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jiaganj** Police Station Case **No.171/2023** dated **08.07.2023** under Sections **448/450/302/201/506/34** of the Indian Penal Code.

And

In the matter of: - **Mantu Mondal**

...petitioner.

Mr. Soumyajit Das Mahapatra
Ms. Riya Das

...for the petitioner.

Mr. Partha Pratim Das
Mr. Arabinda Manna

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
The report is completely useless.
2. The petitioner is in custody for one year and six months.
Only one out of 40 charge-sheet named witnesses have been examined, that too, in part. In fact, that witness has been declared hostile.
3. Learned Advocate for the State, opposing the bail prayer, says that the petitioner's bail prayer was rejected earlier by a co-ordinate Bench on January 15, 2024. There is sufficient incriminating material against the petitioner.
4. We have seen the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure, 1973. There

are omnibus allegations against the accused persons. In any event, the petitioner has been in incarceration for a long period of time. The progress in the trial has been completely unsatisfactory. At the pace the trial is progressing, it is anybody's guess as to when the trial will conclude.

5. The importance of a citizen's fundamental right to personal liberty and speedy trial can hardly be over emphasized. 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.
6. Accordingly, we direct that the petitioner, namely, **Mantu Mondal**, 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 the learned Additional Sessions Judge, 2nd Court, Lalbagh, Murshidabad, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. The application for bail being CRM (DB) 3201 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)