

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3250 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, arising out of **Mothabari** Police Station Case No. **84/2022** dated **02.03.2022** under Sections **498A/326/307/304B/302/120B/34** of the Indian Penal Code, 1860 and Sections **3/4** of the **Dowry Prohibition** Act.

And

In the matter of: - **Pintu Mondal @ Pintu Mandal.**
...petitioner.

Mr. Tapodip Gupta,
Mr. suman Bhanja
...for the petitioner.

Ms. Minoti Gomes,
Mr. Aurp Sarkar
...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. We find from the report that only two out of 24 charge-sheet named witnesses have been examined till date. The prosecution proposes to examine the remaining 22 witnesses. The petitioner is in custody for more than 2 (two) years and 10 (ten) months (wrongly recorded in our earlier order dated December 17, 2024 as 2 (two) years and 10 (ten) days). It is anybody's guess as to when the trial will conclude.
2. Nobody can be kept in indefinite incarceration however strong the prosecution case may be against him. In the present case, the prosecution may have an iron-cast case against the

petitioner. However, that would not justify keeping the petitioner in judicial custody for a long period of time without taking the trial to its logical conclusion.

3. We find that charge was framed in June 2023. In the last one and half years, only two witnesses have been examined. At this pace, there is no possibility of an early conclusion of the trial.
4. Hence, 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.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Pintu Mondal @ Pintu Mandal** 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 Sessions Judge, 3rd Court, Malda*. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial jurisdiction of *English Bazar Police Station*, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of *English Bazar Police Station* once in every week, until further orders.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (DB) 3250 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. 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.)