

CRM (DB) 3343 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 **Raiganj Police Station** Case No. **1509 of 2022** dated **10.12.2022** under Sections **302/201/34** of the Indian Penal Code.

- A n d -

In the matter of : Laltu Chandra Das @ Laltu Das @ Bahadur
.... Petitioner.

Mr. Ranjan Kali,
Mr. S. Kr. Pathak,
Mr. Rabindra Kr. Mitra,
Ms. S. Chakraborty,

... For the Petitioner.

Mr. Joydeep Roy,
Mr. R. Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was twice rejected on merits, firstly on June 5, 2023 and then on November 16, 2023. He says that he is in custody for more than two years. Only 1 out of 24 charge sheet named witnesses has been examined. There is no possibility of an early conclusion of the trial. He renews his prayer for bail on the touchstone of Article 21 of the Constitution of India.

2. The State has filed a report. Let the same be kept with the records.

3. The report is not very helpful. It does not say how many more witnesses the prosecution intends to examine.

4. We see that charge sheet was filed on March 17, 2023. Charge was framed on March 2, 2024, i.e., after one year from the date of filing of charge sheet. Since framing of charge only one witness has been examined in full. Therefore, we find delay at

every stage of the trial. There is absolutely no possibility of an early conclusion of the trial. The petitioner cannot be kept in incarceration for an indefinitely long period of time as that would infringe his fundamental right to personal liberty and speedy trial enshrined in Article 21 of the Constitution of India.

5. Without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial coupled with zero possibility of early conclusion of the trial, we are constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Laltu Chandra Das @ Laltu Das @ Bahadur**, 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 Additional Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 learned Trial Court without prior permission and shall not enter within the jurisdiction of Raiganj Police Station and shall provide his current address where he will reside to the jurisdiction of the concerned police station shall meet the I.C. of the concerned police station once in a week until further orders.

7. 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.

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