

53. 22.01.2025  
Court  
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION**

**CRM (DB) 3388 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 **Jamuria** Police Station Case **No.427/2019** dated **24.11.2019** under Sections **363/365/120B** of the Indian Penal Code and adding Sections **302/201** of the Indian Penal Code.

And

In the matter of: - **Irsad Kha @ Kattu Kha @ Kattu**

...petitioner.

Mr. Ayan Basu

Mr. Sk. Salim

Mr. Sumit Routh

...for the petitioner.

Mr. Bibaswan Bhattacharya

Mr. Ratul Ghosh

...for the State.

**Dictated by Arijit Banerjee, J.**

1. Status report filed by the State be kept with the records.
2. We see from the report that the prosecution has examined 19 witnesses but says that it will examine 14 more witnesses. The report states that the trial may be concluded by July, 2025. The same does not inspire much credence given the pace at which the trial is proceeding. The petitioner is in custody for about five years and two months. That is far too long a period of time to keep an under-trial in judicial custody without taking the trial to its logical conclusion.
3. Without touching the merits of the case and solely on the ground of delay in progress of the trial and seeing that an early conclusion of the trial is practically impossible, we feel constrained to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Irsad Kha @ Kattu Kha @ Kattu**, 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 Special Judge (Electricity Act)-cum-ADJ, Asansol, Paschim Bardhaman, 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.
5. 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.
6. The application for bail being CRM (DB) 3388 of 2024 is accordingly disposed of.
7. 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.)**