

41. 29.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3406 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 **Berhampore** Police Station Case **No.1014/2022** dated **02.08.2022** under Sections **498A/304B/302/34** of the Indian Penal Code.
And

In the matter of: - **Bishnu Rajbangshi @ Suvam Rajbangshi**
...petitioner.
Mr. Debanshu Ghorai
Mr. Anisur Rahman
...for the petitioner.
Mr. Prasun Kr. Dutta
Mr. Sujoy Sarkar
...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records. It appears that the prosecution has examined only one witness till now. It proposes to examine 10 witnesses in all. The petitioner is in custody for close to two and half years. He prays for bail.
2. Opposing the prayer for bail, learned State Counsel says that the delay in progress of the trial is due to non-appearance of the witnesses in spite of issuance of summons. Now Warrant has been issued. The next schedule is fixed on February 14, 2025. There is sufficient incriminating material against the petitioner who allegedly killed his wife.

3. We see that the case is based on circumstantial evidence. The petitioner is in custody for a fairly long period of time. Charge-sheet was submitted in October, 2022. Charge was framed in January, 2024. Therefore, it took one year and three months to frame the charge after filing of charge-sheet. Since framing of charge only one witness has been examined. At this pace, it is anybody's guess when the trial will conclude.
4. In view of the aforesaid and keeping in mind that the fundamental right of a citizen to personal liberty and speedy trial is paramount, solely on the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we feel impelled to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Bishnu Rajbangshi @ Suvam Rajbangshi** 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 Chief Judicial Magistrate, Murshidabad at Berhampore, 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.

6. 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.
7. The application for bail being CRM (DB) 3406 of 2024 is accordingly disposed of.
8. 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.)