

62.
22-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3427 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Tangra Police Station Case No. 271 of 2020** dated **18.10.2020** under **Sections 302/307/324/34** of the Indian Penal Code.

And

In the matter of : Rabi Das.

.....Petitioner.

Md. Sabir Ahmed,
Mr. T. Ahmed,
Mr. Dhiman Banerjee,
Mr. Ezaz Ahmed,for the Petitioner.

Mr. Sandip Chakraborty,
Mr. Debarshi Brahma,for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find that the prosecution intends to examine 18 more witnesses. 8 witnesses have been examined so far. The petitioner is in custody for about 4 years and 3 months.
3. We also find that a co-accused person, namely, Anil Das, who is said to be the main assailant, has been granted bail by the Juvenile Justice Board.
4. Primarily, by reason of the prolonged detention of the petitioner, without there being adequate progress in trial and seeing that there is practically no possibility of an early conclusion of the trial, without touching the merits of the case, only on consideration of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Rabi Das** 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, Sealdah subject to the conditions that the petitioner shall not leave the jurisdiction of concerned Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders 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 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.)