

17.11.2025
Court No.35.
D/L. 41.
Rakib
(Allowed)

CRM (M) 2301 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Arsha Police Station Case No. 34 of 2021 dated 11.04.2021 under Sections 147/148/149/325/326/307/506 of the Indian Penal Code and subsequently added Section 302 of the Indian Penal Code.

And

In the matter of : Kailash Majhi.

.....Petitioner.

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee
.....for the Petitioner.
Mr. Subhomoy Bhattacharya
Ms. Jonaki Saha
.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for four years seven months and out of the 26 witnesses proposed to be examined 13 witnesses have already been examined. Learned advocate for the petitioner emphasizes on the period of detention of the petitioner.

Learned advocate appearing for the State on the other hand draws the attention of the Court to the materials appearing in the Case Diary.

I have considered that the same, there are complicity of the petitioner as is appearing from the Case Diary.

It is also submitted on behalf of the State that he has written instructions that six more witnesses are to be examined by the prosecution.

However, in case custodial trial there must be an outer limit for concluding the trial. It is an embarrassment to the Court that on the one hand in the book there will be Article 21 of the Constitution of India and on the other hand, the Court will have to wriggle out of a situation where for long period of time the trial is not being concluded.

Having considered only the period of detention of the petitioner and without going into the merits of the case and having no other option this Court releases the petitioner on bail.

As such the petitioner namely, **Kailash Majhi** shall furnish bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Purulia.

If on bail, the petitioner shall make himself available on each and every date fixed by the learned trial Court and shall not leave the jurisdiction of district of Purulia without the permission of the learned trial Court.

Accordingly, CRM (M) 2301 of 2025 is **allowed**.

Case Diary be returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)