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08-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3672 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 **Karaya Police Station Case No. 188 of 2020** dated **30.05.2020** under **Sections 364/307** of the Indian Penal Code.

And

In the matter of : Mohammad Arman @ Md. Arman.

.....Petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Ms. Jayashree Patra,
Ms. Sreeparna Ghosh,for the Petitioner.

Mr. Rudradipta Nandy, Ld. APP,
Ms. S. Saha,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 trial Court is vacant. After March 28, 2024, there has been no examination of witness. 5 out of 14 chargesheet named witnesses have been examined in full. The victim boy being PW-6, has been examined in part. The petitioner is in custody for about four and half years. There has not been adequate progress in the trial and there is no possibility of an early conclusion of the trial.
3. The prosecution may have an iron-cast case against the accused. That would, per se, not justify indefinite incarceration of the accused without taking the trial to its logical conclusion.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are

constrained to allow the petitioner's prayer for bail but on stringent condition.

5. Accordingly, we direct that the petitioner, namely, **Mohammad Arman @ Md. Arman** 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 Chief Judicial Magistrate, Alipore subject to the condition that the petitioner shall remain within the jurisdiction of the Alipore Police Station and shall not leave the Alipore jurisdiction and on further condition that the petitioner shall meet the Officer-in-Charge/Inspector-in-Charge of the Alipore police station once in a week 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.)