

D/L44

26.02.2025

Rohit

ct.no.26

C.R.M. (DB) 3903 of 2024

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bandwan Police Station Case No. 34 of 2019 dated 06.05.2019 under sections 363/365 of the Indian Penal Code and added Sections 302/201 of the Indian Penal Code.

And

In Re: **Arun Mahata @ Arun Mahato**

...Petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Ms. Reshmi Khatun
Mr. Arpayan Mukherjee
Mr. S.K. Mondal
Mr. H. Ghosh

...for the petitioner

Ms. Subhasree Patel
Mr. Dipankar Paramanick

...for the State

1. Petitioner prays for bail on the ground of delay of trial.
2. Learned Advocate for the petitioner submits that the petitioner is in custody in excess of five years eight months. Charges are yet to be framed. Therefore, there is hardly any possibility of the trial concluding any time in the near future.
3. Learned Advocate appearing for the State submits that, the defacto complainant filed an application taking exception to the charge-sheet submitted and, therefore, the charges could not be framed. He submits that, prosecution cannot be blamed for the delay of the disposal of the trial.

4. Period of custody as noted above is in excess of five years eight months. Charges are yet to be framed. Likelihood of the trial ending any time in the near future does not exist.
5. Purely on the principles of Article 21 of the Constitution of India, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct that the petitioner viz., **Arun Mahata @ Arun Mahato** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Chief Judicial Magistrate, Purulia** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
8. The prayer for bail of the petitioner is **allowed**.
9. The application for bail being **C.R.M. (DB) No. 3903 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)