

20.02.2025
Item No.30
Court No.26
Allowed
CHC

CRM (DB) 4234 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Sundarban Coastal** Police Station Case No. **260 of 2019** dated 04.09.2019 under Sections **448/302** of the Indian Penal Code.
-And-

**In the matter of : Pradip Mondal @ Bachu Mondal
@ Prodip Mondal**

... .. Petitioner

*Mr. Soumya Nag, Advocate
Mr. Aditya Tiwari, Advocate
... .. For the Petitioner*

*Mrs. Zareen N. Khan, Advocate
Md. Kutubuddin, Advocate
... ...For the State*

1. Petitioner is in custody in excess of five years five months.
2. Bail is prayed for on the ground of principles of Article 21 of the Constitution of India. Reliance is placed on **2025 INSC 222 (Tapas Kumar Palit versus State of Chhattisgarh)**.
3. Learned advocate appearing for the State submits that, the petitioner stands implicated in murder. She submits that, there are eyewitnesses to such effect.
4. Petitioner is in custody in excess of 5 years 5 months. Out of 18 prosecution witnesses, 3 were examined at the trial. There is hardly any possibility of trial completing any time soon.
5. **Tapas Kumar Palit (supra)** is of the view that long period of incarceration violates the undertrials right to speedy trial under Article 21 of the Constitution.

6. Purely on the principles of Article 21 of the Constitution of India and the ratio in **Tapas Kumar Palit (supra)** we grant bail to the petitioner.
7. Accordingly, we direct that the petitioner 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, Alipore, South 24 Parganas**, 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.
8. 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.
9. The prayer for bail of the petitioner is **allowed**.
10. CRM(DB) 4234 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)