

CRM (DB) 42 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Haripal Police Station** Case No. **169 of 2020** dated **22.06.2020** under Sections **302/201/498A** of the Indian Penal Code.

- A n d -

In the matter of : Sourendra Bala

.... Petitioner.

Mr. Saibal K. Dasgupta,

... For the Petitioner.

Ms. Sonali Das,

Ms. S. Sultana,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner prays for bail solely on the touchstone of Article 21 of the Constitution of India. He says that he is in custody for 4 years 7 months 18 days. Not a single charge sheet named witness has been examined. There are 34 witnesses named in the charge sheet.

2. Learned State Advocate tells us that charge sheet was submitted in September 2020. The petitioner is the husband of the victim lady. Charge was framed in November, 2024. She fairly admits that witness action has not begun.

3. We, therefore, see that it took more than four years to frame the charge, after filing of charge sheet. Not a single witness has been examined. Given that there are 34 charge sheet named witnesses, it is practically impossible to conclude the trial on an early date. The petitioner is in custody for a very long period of time.

4. Without touching the merits of the case and solely on the ground of inordinate delay in trial, prolonged custodial detention of

the petitioner and zero possibility of early conclusion of the trial, we feel impelled to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sourendra Bala**, 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, Chandernagore, Hooghly subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station excepting for the purpose of attending court proceeding and shall meet the I.C of the concerned police station once in a fortnight until further orders.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)**