

14.02.2025
Item no.05.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 1 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhupatinagar Police Station Case No. 356 of 2021 dated 04.10.2021** under **Sections 363/364A/365/120B of the Indian Penal Code, 1860.**

And

In the matter of : Suman Samanta.

.....Petitioner.

Mr. Sourav Mondal,
Mr. Archan Dutta,
Mr. Rony Mondal,
Mr. Arijit Bhuiya,for the Petitioner.

Mr. Subhamoy Bhattacharyya,
Mr. Debanik Das,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for 3 years and 4 months. Only 4 out of 24 chargesheet named witnesses have been examined. During the last 9 schedules, no witness was examined. He renews his prayer for bail which was last rejected on March 1, 2024.
2. Learned State advocate says that the victim's minor boy was recovered from the custody of the petitioner. He draws our attention to the relevant material in the case diary. He says that all efforts will be made to conclude the trial on an early date.

3. No material has been placed before us to show that the delay in progress of trial can be attributed to this petitioner. 3 years and 4 months is a long period of time. We have repeatedly said that however strong the prosecution case may be, the same would not justify incarceration of the accused undertrial person for an indefinite period of time. Nobody stands in the way of the prosecution securing the petitioner's conviction. Indeed, if there is such strong material against this petitioner, it is all the more necessary that trial is concluded on an early date so that if the petitioner is found guilty, he can be punished in accordance with law. We see no possibility of an early conclusion of the trial. The petitioner is in custody for a long period of time.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Suman Samanta** 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, Contai, subject to the condition, the petitioner shall not enter the jurisdiction

Bhupatinagar Police Station except for the purpose of attending Court proceedings and shall furnish the address where he will be residing to the Officer-in-Charge and the learned Trial Court as well, in whose jurisdiction he will be residing and shall also appear before such Officer-in-Charge of the jurisdictional Police Station once in every 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.)