

17.
14-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 18 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Salanpur Police Station Case No.167 of 2022 dated 22-07-2022 under Sections 302/212/120B of the Indian Penal Code.

- A n d -

In the matter of : Aditya Char

.... Petitioner.

Mr. Ayan Basu,
Mr. Sk. Salim,
Mr. Sumit Routh

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. Asif Dewan

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on August 29, 2023. He says that he is in custody for about 2 years 7 months. Only 2 out of 17 charge sheet named witnesses have been examined, that too, in part. One of those two witnesses has been declared hostile. There is no direct evidence. The entire case is based on circumstantial evidence.

2. Opposing the prayer for bail, learned State advocate says that there is sufficient incriminating material against this petitioner. Call Details Report shows involvement of this petitioner in the alleged crime. However, he squarely admits that there is no eyewitness to the alleged incident of murder.

3. The prosecution may have a very strong case against the petitioner to secure his conviction. That is a matter of merits. We see that the petitioner is in custody for almost 2 years 7 months. Not even one witness has been examined in full. Only 2 out of 17 charge sheet named witnesses have been examined. One of them has been declared hostile. There is no possibility of an early conclusion of the trial.

4. Without touching the merits of the case and solely on the ground of delay in progress of trial coupled with almost zero possibility of an early conclusion of the trial, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Aditya Char**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Paschim Bardhaman. The petitioner shall appear before the learned 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 and/or commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Salanpur Police Station except for the purpose of attending the court proceedings and shall remain within the jurisdiction of Santuri Police Station and shall report to the Officer-in-Charge/Inspector-in-Charge of Santuri Police Station once in a week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)