

CRM (DB) 112 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 **Kulti Police Station** Case No. **181 of 2017** dated **01.05.2017** under Sections **302/201/394/411/34** of the Indian Penal Code.

- A n d -

In the matter of : Kaushik Das @ Laltu

.... Petitioner.

Mr. Arkaprabho Roy,

... For the Petitioner.

Mr. Bitasok Banerjee,

Mrs. Suruchi Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. From the report we find that 4 out of 35 charge sheet named witnesses have only been examined till date. The petitioner is in custody for almost seven years ten months. There is no possibility of an early conclusion of the trial given that there are 35 charge sheet named witnesses.
3. The State Advocate opposes the bail prayer and says that there is sufficient incriminating material against this petitioner. The charge is of robbery and double murder.
4. As we have said on several occasions, the prosecution may have an iron cast case against an accused person. Nobody stops the prosecution from securing the accused person's early conviction and punishing him in accordance with law. However, 7 years 10 months is far too long a period of time to detain an accused person in judicial custody without taking the trial to its logical conclusion.
5. Without touching the merits of the case and solely on the plinth of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Kaushik Das @ Laltu**, 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 A.C.J.M., Asansol, Paschim Bardhaman 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 remain within the jurisdiction of the concerned police station and shall meet the I.C of the concerned police station once in a fortnight until further orders.

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.)