

40.
27-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 52 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 Domjur Police Station Case No.425 of 2022 dated 15-05-2022 under Sections 302/34 of the Indian Penal Code.

- A n d -

In the matter of : Provat Das @ Aloo

.... Petitioner.

Mr. Md. Sabir Ahmed,
Mr. Fasiur Rahaman Molla,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee,
Mr. Ezaz Ahmed,
Ms. Sahana Aktar

... For the Petitioner.

Ms. Shaila Afreen,
Ms. Sana Naaz

... For the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State is taken on record. From the report, we find that September 05, 2024, November 13, 2024 and January 03, 2025 were dates fixed for recording of evidence. No witness turned up on any of those three dates.

2. Out of 15 charge sheet named witnesses, not a single witness has been examined till date. The petitioner is in custody for 2 years 8 months. Therefore, there is no possibility of an early conclusion of the trial.

3. We have repeatedly said that the strength of the prosecution case would not justify indefinite incarceration of an under-trial accused person without there being any progress in the trial.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Provat Das @ Aloo**, 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, Howrah. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not also commit any cognizable offence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Domjur Police Station except for the purpose of attending the court proceedings. The petitioner shall, through his learned advocate, inform the learned trial Court, Domjur Police Station and the jurisdictional police station under whose jurisdiction he shall be residing while on bail his current local address and shall appear before the Officer-in-Charge/Inspector-in-Charge of the said jurisdictional police station once in every 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.)