

08.9.2025
Sl.6
Samarpita
Court No.4

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (M)236 of 2025

In Re: An application for bail under Section 483 of the BNSS, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 in connection with S.C. No. 158 of 2024 arising out of **Nagrakata Police Station Case No. 31 of 2024**(G.R. Case No.962 of 2024) under Sections 302/34 of the IPC, 1860.

In the Matter of:**Amit Munda**
.... Petitioner

Mr. Saikat Chatterjee,
Mr. Arijit Ghosh

.. for the Applicant/Petitioner

Mr. KallolAcharjee,
Mr. Bhaskar Das,
Mr. Chattu Roy

.... For the State

1. It is said by the petitioner that he is in custody for 554 days.

Although, the charge was framed by the Trial Court and evidence taking process was started butthe examination in chief of C.S.W. 1/ *de-facto* complainant was done on 4th June, 2024, and thereafter, nothing progress has been made in connection with the trial. There is no immediate chanceof conclusion of the trial and as such this accused–petitioner cannot be detained behind the bar for an indefinite period. So, this accused–petitioner may be enlarged on bail.

2. Learned advocate for the State raises objection by submitting that the offence involved in this case is heinous in nature. After framing of charge, the trial has already been commenced and C.S.W.1/ *de-facto*

complainant was examined-in-chief on the last occasion. The attention of this Court is drawn to the materials gathered in the record, and said that there are sufficient materials in the record which indicate about *prima facie* involvement of this accused-petitioner with the alleged offence and if at this stage this petitioner is enlarged on bail then there is every possibility of hampering of progress of the trial.

3. It is further contended by the learned Advocate that the prayer for bail filed by this accused-petitioner was rejected by the Co-ordinate Bench by this Court on earlier three occasions and nothing new circumstances have emerged for which the petitioner's prayer for bail may be considered.
4. The case was started on the basis of a complaint lodged by the C.S.W.1/ *de-facto* complainant that on the relevant date and time the victim was allegedly murdered by this accused-petitioner alongwith other accused. After completion of investigation charge-sheet was submitted by the prosecuting agency and the charge was framed by the Trial Court and thereafter, evidence taking process has been started.
5. It is told that the C.S.W.1/ *de-facto* complainant was lastly examined on 4th June, 2024, and thereafter, nothing progress was made in connection with the trial. It is fact that this accused-petitioner is in custody for 554 days. This Court also cannot overlook the fact that, as per the present stage of proceedings, there is no immediate prospect of

conclusion of the trial in the near future. The process of recording evidence is yet to attain any significant progress, and having regard to the number of witness cited by the prosecution and the ordinary pace at which such trials proceed, it is evident that the matter is likely to take considerable time before it reaches to its logical end.

6. It appears that, there are 19(nineteen) witnesses in the charge-sheet to be examined by the prosecution. In these circumstances, to keep the accused confined in custody for an indefinite and uncertain period would amount to a virtual punishment before conviction, which the law does not countenance. The right to speedy trial is an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India. Prolonged incarceration, when weighed against the uncertainty of trial conclusion, clearly infringes upon such fundamental right. The failure of the prosecution to bring the trial to its logical conclusion within a reasonable period of time has resulted in the accused suffering prolonged incarceration. Such continued detention, without the determination of guilt or innocence, militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India. The right to life and personal liberty is not merely a formality, but a substantive guarantee, and it encompasses within its fold the right to a speedy trial. Pre-trial detention is intended only to secure the presence of the accused during trial and not to operate as a measure of punishment. Once the trial does not progress

within a reasonable time and the accused is left to languish in custody indefinitely, such detention ceases to have any justification in law.

7. So, without going to the merits of the case and only on the ground of long detention behind the bar, the application for bail filed by this accused person being **CRM (M) 236 of 2025** is **allowed**.
8. In view of above, the petitioner namely, **Amit Munda** is enlarged on bail upon furnishing a bond of Rs.20,000/- with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, Malbazar, Jalpaiguri and subject to the conditions that he shall appear before the Trial Court on every date of hearing until further orders, shall not intimidate witnesses or tamper with evidence in any manner whatsoever and this petitioner shall not leave the jurisdiction of the Trial Court until further order.
9. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.
10. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Prasenjit Biswas, J.)