

29.03.2022  
Sl. No.12  
akd  
[Allowed]

**C. R. A. N. 4 of 2021**  
**in**  
**C. R. A. 566 of 2015**

**In Re :** An application for bail under Section 389(1) of the Code of Criminal Procedure, 1973 filed on 03.02.2021 :

A N D

***In Re : Guddu Mondal @ Guddu Ali Mondal & Anr. ... Appellants [in jail]***

Mrs. Rituparna De Ghose  
Mr. Siddhartha Paul

... .. for the appellants

Mr. Madhusudan Sur .. Ld. Addl. Public Prosecutor  
Mr. Dipankar Pramanick

... .. for the State

Heard Mrs. Rituparna De Ghose, learned advocate appearing for the appellants. She submits though the appeal had been heard earlier, due to prevailing pandemic conditions hearing was postponed. Appellants have already suffered detention for about 20 years. She accordingly, prays for suspension of sentence of the appellants.

On the other hand, learned Additional Public Prosecutor opposes the prayer for bail and submits that there is ample evidence on record implicating the appellants.

We have considered the submissions made on behalf of the parties. Irrespective of the merits in the appeal, we are of the view inordinate incarceration of the appellants for about 20 years by itself is an infraction of their fundamental right to speedy justice under Article 21 of

the Constitution of India. In similar cases<sup>1</sup> the Apex Court had directed suspension of sentence and release on bail of the convicts pending their appeals before the High Court. Appellants are entitled to similar treatment in the present case. Thus, on the ground of protracted detention suffered by the appellants infracting their fundamental right to speedy justice under Article 21 of the Constitution of India, we are inclined to suspend the sentence imposed upon the appellants and enlarge them on bail.

Accordingly, the appellants namely, **(1) Guddu Mondal @ Guddu Ali Mondal & (2) Benode Koiri**, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand) only each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24-Parganas subject to condition that the appellants shall appear before the said Magistrate once in a month till the disposal of the appeal.

In the event they fail to do so, the learned Magistrate shall forthwith report such fact to this Court and the Department shall place the matter before the appropriate Bench for necessary orders.

In **Saudan Singh** (supra), the Apex Court had issued direction upon the Allahabad High Court and Government of Uttar Pradesh to prepare a list of cases where the appellants were incarcerating for more than 14 years so that they may be released at one go provided they are not repeated offenders. A large number of appeals are pending in this High Court too where the appellants-convicts are incarcerating in jail for a protracted period of time. Taking judicial notice of such fact, we are of

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<sup>1</sup> *Saudan Singh vs. State of Uttar Pradesh, Criminal Appeal No. 308 of 2022. Order dated 25.02.2022.*

*Rajendra Singh & Ors. Vs. Sate of U.P., Writ Petition(s) (Criminal) No(s). 52/2022*

the view similar exercise ought to be undertaken in this Court also. Accordingly, we direct the Registrar (IT) to prepare a list of appeals where the appellants are in jail for 14 years or more and list those matters before this Bench for consideration of bail within a fortnight.

Let this matter appear in the list on **12.04.2022**.

The application being CRAN 4 of 2021 is disposed of.

Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Bivas Pattanayak, J.)**

**(Joymalya Bagchi, J.)**