

55.
14-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2146 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kotwali Police Station Case No.1305 of 2022 dated 25-12-2022 under Sections 302/201/34 of the Indian Penal Code.

- A n d -

In the matter of : Nitya Mondal

.... Petitioner.

Mr. Prabir Majumdar

... For the Petitioner.

Mr. Joydeep Roy, learned Jr. Govt. Adv.,
Ms. Trina Kundu

... For the State.

Dictated by Partha Sarathi Sen, J.

It is submitted on behalf of the petitioner that considering the long detention of the present accused petitioner and also considering the fact that the progress of the trial is very much slow, the instant application for bail may be considered favourably.

Prayer for bail is opposed by learned advocate for the State. It is submitted on behalf of the State that apart from the statements of three witnesses who had found the present accused petitioner in the company of the deceased prior to such occurrence, there was recovery of alleged offending weapon as per the leading statement of the present accused petitioner.

We have considered the rival submissions. We have also considered the material placed before us. Admittedly, there is *prima facie* incriminating material against the present accused petitioner. However, we cannot shut our eyes with regard to the slow progress of the trial especially when there are 22 charge sheet named witnesses to be

examined and as on this day, only one witness is examined in part. The petitioner is languishing in jail since December 25, 2022. Considering the entire circumstances, including the slow progress of the trial, we are inclined to allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Nitya Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nadia. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders.

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

The application for bail being CRM (DB) 2146 of 2024 is, thus, **allowed**.

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

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)