

66. 14.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2166 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Raghunathganj** Police Station Case No. **101/2024**, dated **30.01.2024** under Sections **341/325/326/302/34** of the Indian Penal Code read with Sections **3/4** of the Explosive Substances Act.

And

In the matter of: - **Shambhu Mondal & Anr.**

Mr. Kusal Kr. Mukherjee
Ms. Pranidhi Singh

Mr. Joydeep Roy, Jr. Govt. Adv.
Mr. Sachit Talukder

Ms. Sabana Hasin
Ms. Neha Roy

...petitioners.

...for the petitioners.

...for the State.

...for the *de facto* complainant.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioners that in view of the fact that investigation has already been completed and also the fact that the present accused petitioners have been languishing in judicial custody since February 3, 2024, the instant application for bail may be considered favourably.
2. While opposing the prayer for bail learned Counsel for the State as well as learned Counsel for the *de facto* complainant draws our attention to the statements of two eyewitnesses of the alleged incident as appearing at page nos.104 and 105 of the case diary.

3. We have considered the materials in the case diary and statements of the eyewitnesses. On perusal of those statements as well as other materials as available in the case diary, we though find the names of the present accused petitioners in the case diary, but we fail to notice any specific overt act being attributed to the present accused petitioners at the time of the alleged commission of the crime.

4. Considering the entire circumstances and the period of detention suffered by the accused petitioners, we are inclined to allow the petitioners' prayer for bail.

5. Accordingly, we direct that the petitioners, namely, **1. Shambhu Mondal, 2. Haripada Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, subject to condition that the petitioners shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (DB) 2166 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)