

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3178 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Thanarpara** Police Station Case No. **67/2024** dated **16.03.2024** under Sections **302/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Sahadul Mondal @ Saheb Ali @ Chand Ali.**
...petitioner.

Mr. Arnab Chatterjee,
Mr. Abdul Aziz Mondal
...for the petitioner.

Mr. Soumya Basu Roy Chowdhuri
....for the *de-facto*.

Ms. Faria Hossain, Ld. APP.,
Mr. Rahul Ganguly
...for the State.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that considering the long detention of the present accused-petitioner and also considering the remote involvement of the present accused-petitioner in the alleged crime, the instant application for bail may be considered favourably. However, our attention is drawn to the statement of witnesses as recorded under Section 164 Cr.P.C. It appears from such statement that the said witnesses have named many assailants as the principal accused but we do not find the name of the present accused-petitioner in such statement. Considering such circumstances and also

considering the long incarceration of the present accused petitioner, prayer for bail is allowed.

2. Accordingly, we **allow** the petitioner's prayer for bail.
3. In the order dated September 5, 2024, whereby a co-ordinate bench recorded the petitioner's submission that he was not pressing the bail application. The name of Mr. Soumya Roy Basu Chowdhuri has been wrongly incorporated as learned advocate for the petitioner. The same may be recorded as learned advocate representing the *de-facto* complainant instead of learned advocate representing the petitioner.
4. Accordingly, we direct that the petitioner, namely, **Sahadul Mondal @ Saheb ali @ Chand Ali** 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 *Additional Chief Judicial Magistrate*, Tehatta, Nadia. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial jurisdiction, until further orders. The petitioner shall report/meet to the Officer-in-Charge/Inspector-in-Charge of Thanarpara Police Station on every fortnight, until further orders.

5. 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.
6. The application for bail being CRM (DB) 3178 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
8. 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.)

(Partha Sarathi Sen, J.)