

13.12.2024

Sr. No. 24.

Ct. No. 28.

AB

(Partly Allowed)

C.R.M. (DB) 3314 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hogalberia Police Station Case No.124 of 2024 Dated 25.05.2024 under Sections 302/34 of the Indian Penal Code

In the matter of : **Subrata Mondal & Anr.**

....Petitioners.

Mr. Joydeep Biswas,
Mr. Asraf Mondal,
Mr. Kaushik Ghosh For the Petitioners.

Ms. Sreyashi Biswas
Ms. Pritha Paul For the State.

1. Heard learned Advocates for the parties.
2. Petitioners submit that there was a dispute amongst family members. They have been falsely implicated. They are in custody for over 180 days. They pray for bail.
3. Learned lawyer for the State opposes the prayer for bail.
4. We have considered the materials on record. Statements of witnesses before Magistrate disclose principal role played by petitioner no.2 in the assault resulting in death. Accordingly, we are not inclined to grant bail to petitioner no.2.
5. The prayer for bail of petitioner no.2 is rejected.
6. Allegation against petitioner no.1 is general and omnibus. It is to be ascertained whether he shared common intention with petitioner no.2 to commit murder at the appropriate stage of the proceeding. He is in

custody for over 180 days and investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to him.

7. Accordingly, petitioner no.1, namely, **Subrata Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
8. In the event petitioner no.1 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. This application for bail is, thus, partly allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)