

13.
23-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3907 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 Kulti Police Station Case No.300 of 2024 dated 27-06-2024 under Section 365 of the Indian Penal Code with added Sections 364/302 of the Indian Penal Code.

- A n d -

In the matter of : Sarwan Mondal

.... Petitioner.

Mr. Debapriya Samanta,
Mr. Samrat Ghosh

... For the Petitioner.

Mr. Subhamoy Bhattacharya,
Mr. Dipankar Mahato

... For the State.

Dictated by Partha Sarathi Sen, J.

1. It is submitted on behalf of the petitioner that considering the fact that investigation has already been completed and the present accused petitioner is languishing in Judicial Custody for 168 days approximately, the instant application for bail may be considered favourably.

2. While opposing the prayer for bail, learned advocate for the State submits before this Court that prior to going missing, the victim was found in the company of the present accused petitioner on June 02, 2024 and his decomposed dead body was recovered on June 27, 2024. It is submitted further that from the CDR report, it would reveal that both the deceased and the present accused petitioner were in the same location.

3. On perusal of the material as placed before us, it appears to us that the present case is based on circumstantial evidence. We find that there is a long gap between the incident of missing of the deceased and the

recovery of his dead body. Considering such circumstances, we are inclined to allow the prayer of the petitioner for bail.

4. Accordingly, we direct that the petitioner, namely, **Sarwan 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, Paschim Bardhaman. 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 not leave the jurisdiction of Kulti Police Station except for the purpose of attending the court proceedings and except without the permission of the learned trial Court and shall report to the Officer-in-Charge of Kulti Police station once in 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 his bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, **allowed**.

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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)