

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 138 of 2025

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 **Nalhati** Police Station Case No.**322/2024** dated **12.06.2024** under Sections **302** of the IPC, 1860.

And

In the matter of: - **Sitan Mondal.**

...petitioner.

Mr. Saryati Datta,
Mr. Sanjib Kr. Das,
Mr. Chitrak Biswas

...for the petitioner.

Mr. Sandip Chakraborty,
Ms. Sanjida Sultana

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there is no incriminating material against him. He has been falsely implicated. Charge-sheet has been filed upon completion of investigation. He is in custody for 265 days. His further custodial detention is unnecessary.
2. Learned State counsel shows us the material in the case diary. We find only one statement recorded under Section 164 Cr.P.C. of the victim’s wife to the effect that upon receiving a phone call from the petitioner, the victim had gone out of the house. Apart from this, prima facie, we do not find any other incriminating material against petitioner. We are told that only a brickbat was

seized from the petitioner, which has been sent for FSL examination but the report has not been received.

3. On an overall assessment of the material on record, although the charge is of murder, we find that further custodial detention of then petitioner is not necessary.
4. Accordingly, we **allow** the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sitan Mondal**, 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 *A.C.J.M, Rampurhat, Birbhum*. 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 not enter the territorial jurisdiction of *Rampurhat* Police Station and shall intimate his current local address to the local police station where he will reside while he will be on bail and shall meet the I.O. once in a fortnight, until further orders.
6. 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.

7. The application for bail being CRM (DB) 138 of 2025 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. 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.)

(Prasenjit Biswas, J.)