

43. 04.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 175 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, in connection with **Lalgarh** Police Station Case **No.46/2021** dated **05.5.2021** under Sections **302/201/34** of the Indian Penal Code. Charge-sheet no. 70/2021, dated 08.8.2021, submitted under Sections **302/201/34** of the Indian Penal Code.

And

In the matter of: - **SINGRAI MANDI @ NARU AND ANR.**

...petitioners.

Mr. Angshuman Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners.

Ms. Anasuya Sinha, APP
Mr. Aritra Bhattacharya

...for the State.

Dictated by Arijit Banerjee, J.

1. Memo. of Evidence filed by the State be kept with the records.
2. The petitioners pray for bail on the touchstone of Article 21 of the Constitution of India. They say that they are in custody for three years and 10 months. The trial is yet to conclude.
3. Learned State Counsel says that 20 out of 26 prosecution witnesses have already been examined. The trial should conclude on an early date. There is sufficient incriminating material against these petitioners. The offending weapon was recovered on the basis of leading statement made by one of the petitioners.

4. We have considered the facts and circumstances of the case. One of the five accused persons was granted *interim* bail by the learned Sessions Court in 2022, which was subsequently confirmed. The petitioners are in custody for a very long period of time.
5. It has often been said by this Court that mere strength of the prosecution case *per se*, would not justify incarceration of under-trial accused persons for an unreasonably long period of time, without taking the trial to its logical conclusion.
6. Six prosecution witnesses are yet to be examined. On the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we are inclined to allow the petitioners' prayer for bail.
7. Accordingly, we direct that the petitioners, namely, **1. SINGRAI MANDI @ NARU, 2. MANGAL MURMU @ MARSHAL** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees 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, Jhargram, subject to condition that the petitioners 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 Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the

petitioners, while on bail, shall not leave the territorial jurisdiction of Lalgah Police Station except for the purpose of attending Court proceeding and shall meet the Inspector-in-Charge/Officer-in-Charge of the said Police Station, once every week, until further orders.

8. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 175 of 2025 is accordingly disposed of.
10. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)