

53. 18.03.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 368 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 **Hogalberia** Police Station Case No.**124/2024** dated **25.03.2024** under Sections **302/34** of the IPC, 1860.

And

In the matter of: - **Jagannath Mondal @ Bhabesh.** ...petitioner.

Mr. Joydeep Biswas,
Mr. Asraf Mondal,
Mr. Tanbir Mondal ...for the petitioner.

Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was last rejected on December 13, 2024 in CRM (DB) 3314 of 2024. He says that the entire incident was the fallout of a family dispute. There was a free-fight. Accidentally, the victim suffered injury and succumbed to it. He is in custody for 294 days. The material on record is not such as would justify his further custodial detention.

2. Learned State counsel while opposing the prayer for bail, draws our attention to the statements of witnesses recorded under Section 164 Cr.P.C.
3. We have seen the post-mortem report. It cannot be said that there is no incriminating evidence against the petitioner.
4. However, on an overall assessment of the material on record and the facts and circumstances of the case and given that investigation is complete, we are of the view that this is not a case where custodial trial of the petitioner is warranted.
5. Accordingly, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Jagannath Mondal @ Bhabesh** 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 *C.J.M., 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 not enter the territorial jurisdiction of *Hogalberia* Police Station except for the purpose of attending court proceedings, until further orders. The petitioner shall intimate his present local address to the local police station and the learned trial court, where he will be

residing while he is on bail and shall meet the local jurisdictional police station twice in week, until further orders.

7. 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.
8. The application for bail being CRM (DB) 368 of 2025 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. 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.)

(Apurba Sinha Ray, J.)