

10.03.2025
Item no. 43.
Court No.29.
AB
(Allowed)

CRM (DB) 485 of 2025

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 Baishnabnagar Police Station Case No.134 of 2023 Dated 01.03.2023 under Section 376D/302/201/34/120B of the Indian Penal Code

And

In the matter of : Subhash Mandal & Others

.....Petitioners.

Mr. Tapan Dutta Gupta,
Mr. P. Anam,
Ms. Rituparna Ghosh,
Ms. Afsana Khatunfor the Petitioners.

Mr. Bitoshok Banerjee,
Ms. Debjani Sahufor the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioners say that they have been falsely implicated. They were initially discharged obviously because there was no sufficient material against them. Thereafter, pursuant to order of the learned Trial Court, they surrendered before the learned Trial Court. They are now in custody for about one year and seven months. Only 8 out of 33 charge sheet named witnesses have been examined. There is no possibility of an early

conclusion of the trial. 3 co-accused persons have been enlarged on bail by this Court. They pray for bail.

3. Opposing the prayer, learned State Advocate draws our attention to the material in the case diary. She says that these petitioners do not stand on the same footing as the other 3 co-accused persons who have been enlarged on bail earlier. All efforts will be made to conclude the trial on an early date.
4. We have considered the material in the case diary including the statements of the witnesses recorded under Section 183 B.N.S.S. 2023. We have also considered the FSL report. On an overall assessment of the material on record and considering that the petitioners are in custody for a long time and there is little possibility of an early conclusion of the trial, we are of the view that further custodial detention of the petitioners is not necessary.
5. Accordingly, we direct that the petitioners, namely **SUBHASH MANDAL, SHYAM MANDAL & BALARAM MANDAL** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, and on further conditions that they shall remain within the jurisdiction of the concerned Police Station and shall meet the Inspector in charge/Officer in charge

of the said Police Station once in a fortnight until further orders.

6. The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)

