

11.04.2025

Item No.DL54
Court No. 34
Asraf, AR(Ct.)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (DB) 687 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Barabani P.S. Case no.93 of 2022 dated 10.05.2022 under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.

-and-

In Re : **MITHUN SOREN**

.....Petitioner

For the Petitioner :

Mr. Jaydeep Biswas

Mr. Asraf Mandal

.....Advocates

For the State :

Ms. Baisali Basu

Ms. Trina Mitra

.....Advocates

Learned counsel for the petitioner submits that the petitioner is in custody for about three years. Out of 18 witnesses, 11 witnesses have been examined and none of them has implicated the petitioner. The FIR was initially lodged against three persons namely Guddu Soren, Kabu Soren and Khakan Soren and all of them were not sent up in the chargesheet. The allegation in the FIR is that the victim had an illicit relationship with the wife of Guddu Soren which led to the alleged incident. The petitioner has no nexus with the alleged offence.

Learned counsel for the State opposes the prayer for bail.

It appears that the persons initially named in the FIR have not been sent up in the chargesheet. None of the witnesses has implicated the petitioner in the alleged offence. The evidence adduced so far does not suggest any prima facie link of the petitioner to the murder. The petitioner is in custody for about three years. Considering the material available on record, this Court is of the view that further detention of the petitioner is not required and he may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioner **Mithun Soren** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Asansol, subject to condition that he shall appear before the learned Trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned Trial Court on any date without justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is accordingly disposed of.

Case diary be returned.

All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Suvra Ghosh, J.)