

April 08, 2025

57 ARDR

(Rejected)

CRM(DB) 689 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Usthi** Police Station Case No. 420/2023 dated 10/9/2023 under Sections 302/323/341/364/448/120B of the Indian Penal Code.

And

In Re : Manuwar Hossain Molla @ Bappa

... Petitioner.

Adv. Sachit Talukdar,
Adv. Thirtharaj Ghoshal,

... for the petitioner.

Adv. Soumya Nag,

...for the defacto complainant.

Adv. Suveni Banerjee,

... for the State.

The petitioner is in custody for about one year and six months. Learned counsel for the petitioner submits that the statements of witnesses recorded during investigation do not tally with their evidence recorded at the time of trial. Material available on record does not connect the petitioner to the alleged offence. The petitioner may be enlarged on bail.

Opposing the prayer, learned counsels for the State as well as the defacto complainant submit that sufficient material has transpired against the petitioner connecting him to the alleged offence. The petitioner has been identified by all the prosecution witnesses. Also, some of the female co-accused who were granted bail were reported to threat the defacto complainant and several General Diaries were lodged in this regard. This Court, by an order dated 7th March, 2025 modified the bail condition of the said co-accused by directing them not to enter the jurisdiction of the local police station and not to contact with any of the prosecution

witnesses either physically or in any other manner including the electronic mode.

I have considered the material on record. It is a case of mob lynching which has resulted in the death of the victim. The petitioner has been identified. Material available on record primarily link the petitioner to the alleged offence.

Considering the nature and gravity of the offence as well as the extent of complicity of the petitioner in the offence, the prayer for bail is rejected at this stage. However, the learned trial Court is directed to take the proceeding to its logical conclusion as expeditiously as possible, without granting unnecessary adjournment to either of the parties, in accordance with law.

The application for bail is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)