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30.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 835 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Murutia P.S. Case No. 204 of 2024 dated 08.07.2024 under Sections 329(3)/117(2)/118(2)/3(5)/103 of BNSS, 2023.

And

In Re : **Chhabber Molla @ Saber Mondal @ Chaber Molla & Anr.**
... Petitioners.

Mr. Joydeep Biswas
Mr. Asraf Mondal
Mr. Kaushik Ghosh ... for the Petitioners.

Mr. Anand Keshari
Mr. Karan Bapuli ... for the State.

Mr. Amanul Islam
Mr. Sourav Mukherjee ...for the de facto complainant.

The petitioners are in custody for about 10 months and pray for bail.

Heard learned counsels for the parties.

Learned counsels for the State and the de facto complainant oppose the payer.

I have considered the material on record. There was a free fight between the parties and both the parties including the petitioners sustained injuries. Though the de facto complainant and the mother of the deceased named the petitioners as some of the assailants, no specific overt act has been attributed to them. The independent witnesses have named one Nepal Roy who inflicted the fatal blow on the victim. The statements prima facie indicate that in the free fight between the parties, both the parties sustained

injuries. Unfortunately, one of the injured succumbed to the injuries. Charge sheet has been submitted. Trial could not be proceeded with due to abscondence of some of the accused. Trial has been split and is about to commence.

Considering the material on record as well as extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioners is not required they may be granted bail on stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioners **Chhaber Molla @ Saber Mondal @ Chaber Molla & Tapan Roy** be released on bail upon furnishing bond of Rs.10,000/- each (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that they shall remain outside the jurisdiction of Murutia P.S. and shall furnish the address where they shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S. where they shall presently reside. They shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is thus disposed of.

All parties shall act on the 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 upon compliance with all requisite formalities.

(Suvra Ghosh, J.)