

06.05.2025

35

jb.

jdt.

Allowed

C.R.M. (DB) 921 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanditala Police Station Case No. 930 of 2024 dated 28.11.2024 under Sections 103(1)/238(a)/61(2)(a) of the Bharatiya Nyaya Sanhita.

And

In Re : Raja Mahanto

Ms. Soma Chowdhury (Bandhu)
... For the Petitioner.

Mr. Shubhomoy Bhattacharyya
Ms. Sreetama Das
... For the State.

The petitioner is in custody for about 153 days.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated and has no nexus with the alleged incident. Charge-sheet has been submitted. His further detention is not required. The petitioner prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

Victim died of drowning. The case is based on circumstantial evidence. The petitioner has not been named by the witnesses in their statement under Section 180 of the BNSS. Wearing apparel and foot wear found at the place of occurrence were allegedly identified by the petitioner himself. Such identification is a weak piece of evidence. The petitioner along with co-accused had boarded the train to Lucknow a couple of days after the incident and were nabbed at Charbagh railway station, Lucknow. Whether the said fact can be connected to the alleged incident shall be assessed at the appropriate stage of trial.

Considering the material on record as well as the extent of complicity of the petitioner, 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 namely Raja Mahanto shall 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 Additional Chief Judicial Magistrate, Serampore subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any 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 disposed of.

Case diary be returned.

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.)