

26
15.05.2025
Ct.No.34
b.das
Allowed

C.R.M. (DB) 991 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Thakurpukur P.S. Case No. 371 of 2012 dated 07.09.2012 under Sections 302/394/34 of the Indian Penal Code.

And

In Re : **Munna Dhali & Anr.** ... Petitioners.

Md. Sabir Ahmed
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. E. Ahmed ... for the Petitioners.

Ms. Sreyashee Biswas
Mr. Ashok Das ... for the State.

Heard learned counsels for the parties.

The petitioners seek parity with co accused Rajesh Das @ Bijoy Das who was granted bail by this Court earlier. They are in custody for more than 12 years.

Opposing the prayer, learned counsel for the State submits that bail prayer of another co accused Sattar Mondal was turned down by this Court on 24th April, 2025.

Record reveals that bail prayer of Sattar Mondal was turned down on the ground of gravity of the offence and earlier rejection of bail.

It appears that the petitioners have approached the Court with a prayer for bail for the first time after being incarcerated for more than 12 years.

Though the State undertook to examine 5 more witnesses and assured completion of the same within the next two months from 24th February, 2025, there has been

no further progress in trial since then. Without touching the merits of the case and solely on the anvil of Article 21 of the Constitution of India, prayer for bail is allowed.

The petitioners **Munna Dhali & Nabu Dhali** 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, Alipore subject to condition that they shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to 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.

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.)