

20.05.2025

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jb.

jdt.

Allowed

C.R.M. (DB) 1088 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 Haripal Police Station Case No. 91 of 2018 dated 06.06.2018 under Sections 395/397/412 of the Indian Penal Code.

And

In Re : Suraj Mondal

Mr. Sudip Ghosh Chowdhury

Ms. Shreyta Mitra

Mr. Subhadeep Maitra

.... For the Petitioner.

Mr. Bibaswan Bhattacharyya

Asraf Mandal

... For the State

The petitioner is in custody for more than 4 years.

Learned counsel for the petitioner submits that out of 14 witnesses P.W. 1 has been examined in chief. He has not implicated the petitioner.

Learned counsel for the State opposes the prayer.

I have considered the material on record. It appears that part of the booty recovered from the petitioner has been identified by the *defacto* complainant in the test identification parade. Co-accused who were on bail do not appear to be similarly circumstanced with the petitioner. However, trial has commenced. It will take some time for the trial to conclude.

Considering the period of detention of the petitioner, this Court is of the view that the petitioner may be released

on bail on the touchstone of Article 21 of the Constitution of India.

Accordingly, the prayer for bail is allowed.

The petitioner namely Suraj Mondal 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, Chandernagore, Hooghly subject to condition that he shall remain within the jurisdiction of learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, 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.)