

16.05.2025

Item No.DL12
Court No. 34
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (M) 37 of 2025

In Re : *An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Baishnabnagar P.S. Case no.741 of 2023 dated 23.10.2023
under Sections 489(B), 489(C), 120B and 34 of the Indian
Penal Code, 1860.*

-AND-

In Re : **MANOJ MANDAL alias MUNNA**
.....Petitioner

For the Petitioner :

Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta

.....Advocates

For the State :

Mr. Debasish Roy, Public Prosecutor
Ms. Faria Hossain
Ms. Mausumi Sarkar

.....Advocates

Report submitted by the State is taken on record.

Learned counsel for the petitioner submits that the petitioner is in custody for more than a year. Trial is progressing at a very slow pace. The petitioner prays for bail.

Opposing the prayer, the learned counsel for the State submits that despite two witnesses being present before the Court on the last occasion, trial was halted since the petitioner and the other accused were not present and the learned Trial Court had to request the Secretary, District Legal Services Authority, Malda for appointment of a learned advocate to defend the petitioner.

I have considered the material on record. Though it is a fact that the petitioner was not represented before the learned Trial Court on 5th May, 2025, copies of ordersheets show that from January, 2024 the prosecution took several adjournments for examining PW 1. Witnesses also did not turn up on some occasions. Delay in trial cannot be wholly attributed to the petitioner.

The petitioner is in custody for more than a year. Only one out of 16 witnesses has been examined so far. There is little possibility of conclusion of trial in near future.

Considering the material on record as well as the slow progress in trial, this Court is of the view that further detention of the petitioner is not required and he may be granted bail on stringent conditions.

Accordingly, the prayer for bail is **allowed**.

The petitioner be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of which must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to condition that he shall remain within the jurisdiction of Baishnabnagar police station and shall appear before the learned Trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the above conditions without 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 accordingly disposed of.

Case diary be returned.

All parties shall act on the basis of 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 expeditiously after complying with all requisite formalities.

(Suvra Ghosh, J.)