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25.04.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 22 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Swarupnagar P.S. Case No. 514 of 2023 dated 16.08.2023 under Sections 447/325/326/307/302/354B/509/506/34 of Indian Penal Code.

And

In Re : **Swapan Mondal @ Bhadu** ... Petitioner.

Mr. Kallol Kr. Basu
Md. Jannat Ul Firdous ... for the Petitioner.

Mr. Suman De
Ms. Puspita Saha ... for the State.

The petitioner is in custody for about 1 year 8 months and prays for bail.

Learned counsel for the petitioner submits that the petitioner has not been named as one of the principal accused who caused death of the victim. The principal assailants have been denied bail and the petitioner does not stand on the same footing.

Learned counsel for the State opposes the prayer and submits that the petitioner has been identified by the witnesses. Trial is in progress.

It appears that the petitioner has been identified as a member of the gang which attacked the victim resulting in his murder. The principal assailants who struck the fatal blow on the victim have been named by the witnesses during trial. No specific overt act has been attributed to the petitioner by the witnesses.

Considering the material on record and the extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner **Swapan Mondal @ Bhadu** 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, Basirhat, North 24 Parganas subject to condition that he shall remain outside the jurisdiction of Swarupnagar P.S. and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned Officer in charge where he shall henceforth reside. The petitioner 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 petitioner fails to comply with any of the conditions as stated above 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 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.)