

20.06.2025

Item No.14

Ct.No.34

rc.

Allowed

C.R.M. (M) 398 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pandua Police Station Case No. 421 of 2022 dated 13.09.2022 under Sections 302 of the Indian Penal Code.

And

In Re : **Monotosh Biswas**

... Petitioner

Ms. Shalini Bairagi

Mr. Priyankar Ganguly

... for the Petitioner

Mr. Saryati Datta

Mr. Ranit Mukherjee

... For the State

Report submitted by the State is taken on record.

The petitioner is in custody for about two years.

Learned counsel for the petitioner submits that the case is based on circumstantial evidence and there is no eye witness to the incident. Further detention of the petitioner is not required. He prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record. Eleven out of twenty one witnesses have been examined. One of the witnesses (PW-2) whose statement was recorded during investigation under Section 164 of the Code of Criminal Procedure has deviated from his statement in his evidence. The offending weapon purportedly seized from the petitioner

was sent for forensic examination. No conclusion could be arrived at and no fingerprint was found in the said weapon.

Trial will take some more time to be concluded.

In view of the above, this Court is inclined to hold further detention is not required and he may be granted bail subject to stringent conditions.

Accordingly 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 whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Hooghly at Chinsurah subject to condition that he 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 conditions as mentioned 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.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)