

02.07.2025
SL No.18
Sg/sm
(Allowed)

C.R.M. (DB) 475 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **15.05.2025** in connection with **Liluah** P.S. Case No. **176 of 2024** dated **07.04.2024** under Sections 326/307/384/34 of the Indian Penal Code.

And

In the matter of: **Pijush Mondal**

....Petitioner

Mr. Kallal Mondal, Sr. Adv.,
Mr. Ashok Das,
Mr. Sk Toslim Ali

...for the petitioner

Mr. Arijit Ganguly,
Mr. Asif Dewan

...for the State

1. Present bail application has been filed by the petitioner, Pijush Mondal. Learned counsel for the petitioner submits that the petitioner is in custody for around one year and three months. Learned counsel further submits that co-accused Rakesh Jha has already admitted bail. Learned counsel further submits that even as per the testimony of P.W.2, Astho Kaka, the gun-shot was fired by co-accused Subhankar. Learned counsel further submits that the victim and de facto complainant have already been examined. Learned counsel submits that as of now out of 25 witnesses only four witnesses have been examined and, therefore, the trial may take long time.

2. Learned counsel for the state has vehemently opposed the bail application. Learned counsel submits that petitioner is involved in the seven cases out of which six cases are under

Arms Act and another one is on the allegation of preparation of dacoity. Learned counsel submits that it has come in the testimony of witness no.2 that at the time of commission of crime present petitioner was present on the spot and was driving the motorbike of the present petitioner. Learned counsel submits that if the petitioner is released on bail the trial may hamper. Learned counsel also submits that the state shall make all endeavour to complete the trial at the earliest.

3. The court has considered the submissions, petitioner is 28 years of age he is in custody since 9th April, 2024. The other cases in which accused petitioner is stated to be involved, the petitioner is on bail. In present case out of 25 witnesses only four have been examined, which includes the vulnerable witnesses including the victim and the de facto complainant.

4. The apprehension of the state that the petitioner may intimidate the other witnesses, which include the public witnesses, cannot be accepted without any substantive proof. The liberty is a fundamental right and can be curtailed only in the exceptional circumstances.

5. Thus, taking into account, the facts and circumstances, that is the long period of incarceration and the fact that victim and de facto complainant have been examined. Petitioner is admitted to bail on furnishing personal bond of Rs.15,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judicial Magistrate, Howrah. The bail condition shall be subject to the following conditions:-

- i) The petitioner shall not enter the District of Howrah except the court proceeding and shall furnish the address where he henceforth resides to the Investigating officer and in-charge of the concerned police station.
 - ii) The petitioner shall appear before the learned trial court on every date of hearing fixed by the learned trial court.
 - iii) The petitioner shall not intimidate or threaten the witnesses nor shall contact them in any manner whatsoever.
- 6.** The petitioner shall furnish his mobile phone number to the investigating officer and shall remain available on the same.
- 7.** The petitioner shall also mark his appearance before the investigating officer on every alternative Friday at 4.00 p.m. in case the investigating officer is not available on the police station, the petitioner shall mark his appearance before the duty officer.
- 8.** The application for bail is, thus, allowed.
- 9.** All parties shall act on the basis of the server copy of this order.

(Dinesh Kumar Sharma, J.)