

11
02.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 552 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Bolpur P.S. Case No. 395 of 2023 dated 21.09.2023 under Sections 365/448/323/419/307/364A/395/397/506/120B of the Indian Penal Code.

And

In Re : **Sk. Motiul Mohammand @ Sk. Motiur Mohammad**
... Petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Ranjan Sarkar
Mr. Supreem Naskar
Ms. J. Patra
Ms. P. Sinha ... for the Petitioner.

Mr. Prasun Dutta
Ms. Sima Biswas ...for the State.

The petitioner is in custody for close to 2 years and prays for bail.

Vehemently opposing the prayer, learned counsel for the State submits that all the accused including the petitioner has been identified in TI parade.

I have considered the material on record. It appears that the victim Pannacara was examined in chief on 4th April, 2024 and thereafter did not appear before the learned trial Court for his cross-examination. Since then only one more witness has been examined. The prosecution proposes to examine 8-10 witnesses. On merits, the petitioner has not been seen in the CCTV footage of the place of occurrence. The petitioner is in custody for close to 2 years. There is remote possibility of completion of trial in near future.

Considering the material on record as well as progress in trial of the case, 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 namely **Sk. Motiul Mohammand @ Sk. Motiur Mohammad** 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, Bolpur, Birbhum subject to condition that he shall remain outside the jurisdiction of Bolpur P.S. except for the purpose of appearing before the learned trial Court on every date of hearing fixed by the learned trial Court. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall deposit his passport, if any, before the learned trial Court. He shall provide his mobile phone number to the learned trial Court, the investigating officer and the Officer in charge of the P.S. under whose jurisdiction he shall presently reside and shall not change the same without prior intimation to the said authorities.

In the event the petitioner fails to adhere to 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.)