

03.07.2025
SL No.32
sg
(Allowed)

C.R.M. (M) 677 of 2025

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 filed on **10.06.2025** in connection with **TR(Atro) 31 of 2024** arising out of **Nandigram** P.S. Case No. **993 of 2024** dated **9.12.2024** under Sections 189(2)/190/329 (3)/115(2)/351(2)/103/74/61(2) of the **BNS, 2023** read with 25/35 Arms Act read with Section 3 (1) (r), (s), (w), (z), (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

And

In the matter of: **Bholanath Mondal & Anr.**

....Petitioners

Mr. Rajdeep Mazumdar
Ms. Sagarika Banerjee
Ms. Aiswarya Bazaz

...for the petitioners

Mr. Suman De
Mr. Samarjit Balial

...for the State

1. Present petition has been filed for regular bail in case with TR(Atro) 31 of 2024 arising out of Nandigram Police Station Case No.993 of 2024 dated 9th December, 2024. Learned senior counsel for the petitioner submits that in violation of basic principles of the Constitution the investigating agency registered two FIR's No. 990 of 2024 dated 9th December, 2024 and FIR No. 993 of 2024 dated 9th December, 2024 regarding the same incident relating to alleged murder of Bishnupada Mondal. FIR No. 990 of 2024 was lodged by complainant Sandya Mondal wife of Gurudpada Mondal that is sister-in-law. FIR No. 993 of 2024 was lodged by Susmita Mondal wife of deceased Bishnupada Mondal.

2. Learned senior counsel submits that recently charge sheet has been filed both the cases. It has further been stated petition for quashing of FIR No. 993 of 2024 has already been filed before this Court which is pending for consideration. Learned senior counsel submits that vide the impugned order dated 22nd April, 2025 though the learned Judge, Special Court agreed that both the complaints were lodged against the accused persons over the self-same incident. However, learned Session Judge has fallen inter error stating that the offence of murder will appropriately lie against the accused persons in the instant case. Learned counsel submits that this is factually incorrect. It has further been stated that the co-accused Chandan Das @ Chandan Kumar Das & Ors. have been admitted on bail by the Coordinate Bench by this Court on 16th May, 2025 in CRM (M) 307 of 2025.

3. Learned counsel for the State has opposed the bail application. Learned counsel for the State submits that there was brutal murder having been committed by the accused persons. Learned counsel also submits that there is no illegality in the investigation. It has been further submitted that petitioner Chandan Das @ Chandan Kumar Das, Rajkumar Mondal & Prasanta Mondal have threatened and intimidated the witnesses after they being released on bail for which the steps are being taken for cancellation of bail.

4. Learned senior counsel for the petitioner has vehemently refuted the allegation as to threaten or intimidate the witnesses.

5. Considered the submissions. The State shall certainly be at liberty to move the application for cancellation of the co-accused. However, it shall not effect the case of the present petition.

6. In view of the fact that the Coordinate Bench of this Court in its order dated 16th May, 2025 specifically mentioned that two FIR Nos. 990 of 2024 and 993 of 2024 were registered in respect of the same incident and the allegation are identical. It is not disputed that the petitioner is on bail in FIR NO. 990 of 2024. Petition for quashing of F.I.R No. 993 of 2024 is also pending consideration before this Court. Charge sheet has already been filed. In the circumstances the petitioner be released on bail in FIR No. 993 of 2024 upon furnishing personal bond of Rs.10,000/- with two sureties of like amount, one of whom must be local to the satisfaction of the learned Chief Judge Magistrate, Tamluk, Purba Medinipur. The bail condition shall be subject to the following conditions.

(i) Petitioner shall not intimidate the witness or tamper with the witnesses in any manner whatsoever.

(ii) Petition shall also report on every Friday at 4 P.M. to the Officer-in-charge/ Inspector-in-charge of police station Tamluk, Purba Medinipur.

(iii) Petitioner shall attend the trial regularly.

(iv) Petitioner shall not travel abroad without prior permission of the learned Trial Court.

7. The application for bail is, thus, allowed.

8. All parties shall act on the basis of the server copy of this order.

(Dinesh Kumar Sharma, J.)