

40
12.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1339 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Jiaganj P.S. Case No. 26 of 2023 dated 01.02.2023 under Section 302 of the Indian Penal Code.

And

In Re : **Sribash Halder @ Sribas Halder** ... Petitioner.

Mr. Tapodip Gupta
Mr. Suman Bhanja ... for the Petitioner.

Mr. Bitasok Banerjee
Mr. Asif Dewan ...for the State.

Memo of evidence submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner is in custody for about 2½ years and prays for bail.

Learned counsel for the State opposes the prayer.

Bail prayer of the petitioner was turned down by this Court on 12th March, 2025 primarily on the ground that Arpita Halder granddaughter of the victim implicated the petitioner and she has not been examined. Arpita Halder has been examined as PW 8 and has prevaricated from her statement recorded under Section 164 of the Code of Criminal Procedure. She appears to be the only eye witness to the alleged incident. Though offending weapon has been recovered at the instance of the petitioner, the said weapon has been sent for forensic examination and report is yet to be received. Trial has proceeded sufficiently. Further

detention of the petitioner is not required and he may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Sribash Halder @ Sribas Halder** 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, Lalbagh, Murshidabad subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date 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.)