

17.09.2025

48

jb.

jdt.

Allowed

C.R.M. (M) 1453 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pandaveswar Police Station Case No. 63 of 2023 dated 31.05.2023 under Sections 341/326A/307/506/34 of the Indian Penal Code.

And

In Re : Joydeb Swarnakar

Md. Majibar Ali Naskar
Munjel Alam

... For the Petitioner.

Zareen Naseem Khan
Ms. Rajashree Tah

... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for 3 years. 15 out of 33 witnesses have been examined. 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.

Though the father of the victim has named the petitioner, he is not an eye witness to the incident. Dying declaration of the victim does not implicate the petitioner. Witness action is in progress. Further detention of the petitioner is not necessary. He may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Joydeb Swarnakar shall 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, Durgapur, Paschim Burdwan subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any 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 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.)