

05.03.2025

ML-174
Court No.26
(Dismissed)
(AD)

CRM (DB) 3171 of 2024

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973/under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

-And-

In the matter of : Swapan Mondal

... ..Petitioner

Mr. Malay Bhattacharyya, Advocate
Mr. Haripada Nayak, Advocate
Mr. Subhrajyoti Ghosh, Advocate

... for the petitioner.

Mr. Debabrata Chatterjee, Advocate
Ms. Debarshi Brahma, Advocate

... for the State.

1. Petitioner seeks cancellation of bail granted by the jurisdictional Court on May 22, 2024 in Criminal Misc. Case No.117 of 2024.
2. Learned Advocate appearing for the petitioner submits that, the learned Court did not take into consideration the gravity of the offence and the involvement of the private opposite party. He submits that, the private opposite party murdered the victim.
3. Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements recorded under Section 164 of the Code of Criminal Procedure and Section 161 thereof.
4. Police filed charge sheet.
5. We took into consideration the statements recorded under Section 164 and 161 of the Code of Criminal Procedure. Such statements suggest that, there were no previous

enmity between the petitioner and the victim. In an altercation between them, the private opposite party picked up a wooden rod and struck the victim on the head.

6. Post-mortem report corroborates such version.
7. Police filed charge sheet.
8. The private opposite party was in detention for a considerable period of time.
9. Post-bail misconduct remains unsubstantiated.
10. There is a police complaint made by the petitioner to which there was no response as of now.
11. We do not find any perversity in the order requiring our interference.
12. **CRM (DB) 3171 of 2024** is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)