

14.02.2025

Serial no. 68

[Dd]

(Bail **allowed**)

CRM (DB) 3878 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jagatballavpur** Police Station Case No. **112** of **2021** dated **July 11, 2021** under Sections **302** of the Indian Penal Code, 1860.

-And-

In the matter of : Sri Babulal Manna

... .. Petitioner

Mr. Dipanjan Chatterjee,

Mr. Prateep Bera,

Ms. Kakan Das,

Ms. Rimpa Adhikari, Advocates

... .. For the Petitioner

Mr. Bitashok Banerjee,

Ms. Sreetama Das, Advocates

... ..For the State

1. Petitioner renews the prayer for bail.
2. Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of three years two months without any possibility of the trial commencing any time soon as the prosecution examined only three witnesses out of 15 witnesses. He submits that the case against the petitioner is based on circumstantial evidence that is, last seen together. He points out that the so-called statement implicating the petitioner in the alleged offence and murder was recorded 7 months after to the incident.
3. Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the postmortem report and the statement of such person.
4. Postmortem report states of three injuries suffered by the victim all on the front portion of the body and that too on the scalp and thereabout.

5. Statement of one person recorded under Section 161 of the Code of Criminal Procedure, that too 7 months after the incident, speaks of a free fight taking place between the petitioner and the victim after both of them were intoxicated. Version of such statement is that the petitioner caught hold of the neck of the victim and smashed the head of the victim on the wall.
6. Prosecution is yet to examine 13 witnesses out of 15 charge sheeted witnesses at the trial.
7. Complicity, if any, of the petitioner in the murder may be decided at the trial.
8. In such circumstances, we grant bail to the petitioner.
9. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 Chief Judicial Magistrate, Howrah subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
10. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
11. The prayer for bail of the petitioner is **allowed**.
12. **CRM (DB) 3878 of 2024 is disposed of.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)