

22.12.2025

Court No.35.

D/L. 27.

Rakib

(Allowed)

CRM (M) 2638 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thanarpara Police Station case no. 69 of 2025 dated 13.06.2025 under Sections 126(2)/118(2)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023 and adding Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Akram Mondal.

.....Petitioner.

Mr. Milon Mukherjee, Sr. Adv,

Mr. Joydeep Biswas

Mr. Amanul Islam

Mr. Asraf Mondal

Mr. Sourav Mukherjee

Mr. Kaushik Ghosh

.....for the Petitioner.

Mr. Iqbal Kabir

Ms. Debjani Sahu

.....for the State.

Learned senior advocate appearing on behalf of the petitioner submits that the petitioner is in custody for more than eight months and there was an earlier direction from this Court on 13.11.2025 in CRM (M) 1850 of 2025 granting liberty to the petitioner to approach this Court after the charges are framed. Learned senior advocate submits that charges have already been framed and the prosecution has relied upon 16 witnesses in order to prove its case. The wife of the petitioner who has been made the co-accused has already been granting anticipatory bail.

Learned advocate for the State opposes the prayer for bail and submits that the petitioner is the sole accused whose overt act contributed to the murder of the deceased.

The post-mortem report has also been brought to the notice of this Court along with the statement under Section 180 of the BNSS.

I have taken into account the materials appearing in the Case Diary and the stage of the case, I am of the view that the genesis of the case is on the issue relating to land dispute and the act of the petitioner was at the spur of the moment. There are no criminal antecedents of the petitioner. The nature of the weapons which have been recovered are also of nature of instruments which are regularly used in day to day affairs for agricultural purposes.

Considering the period of detention of the petitioner and the fact that there are no criminal antecedents, I am of the view that further detention of the petitioner is unwarranted. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Akram Mondal** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

If on bail, the petitioner shall be physically present on each and every date before the learned trial Court in seisin of the case. The petitioner shall not leave the jurisdiction of district of Nadia without the prior permission of the learned trial Court.

Learned trial Court is directed to fix the schedule of the case in such a manner that at least one witness is completed on each and every month so that within a period of two years the trial of the case is concluded. In case there is any resolution of the Local Bar that will not deter the learned trial Court to proceed with the case.

Accordingly, the application for bail being CRM (M) No. 2638 of 2025 is **allowed**.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)