

CRM (DB) 4027 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Hanskhali Police Station** Case No. **516 of 2022** dated **31.05.2022** under Sections **302/201** of the Indian Penal Code.

- A n d -

In the matter of : Paresh Mondal

.... Petitioner.

Ms. Minoti Gomes,
Ms. M. Sinha,
Ms. S. Sarkar,

... For the Petitioner.

Ms. Z. N. Khan,
Mr. S. Nandy,

... For the State.

Mr. M. Maity,
Mr. Manika Sarkar,

.... For the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for about two years seven months. He says that 12 out of 23 charge sheet named witnesses have been examined. 8 out of them have turned hostile. The eye witness has also turned hostile. This has made a significant dent in the prosecution case. He renews his prayer for bail which was rejected last on October 12, 2023.

2. Learned Advocates for the State and the defacto complainant, while opposing the prayer for bail, say that while rejecting the petitioner's prayer for bail on October 12, 2023, a Coordinate Bench had granted two years time for conclusion of the trial. That time period has not yet elapsed. The prosecution shall make all endeavours to conclude the trial within the aforesaid period of two years. The next dates fixed are February 11 and 12, 2025.

3. We have considered the depositions of the witnesses examined so far. Only PW 4, Ram Mandal, in his deposition mentioned that he noticed the present petitioner coming from a certain direction in an intoxicated state. Apart from that there appears to be no material against this petitioner. The eye witness has turned hostile. The petitioner is in custody for a long period of time.

4. In view of the aforesaid, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Paresh Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

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

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**