

27. 19.02.2025.
Court
No.26 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4080 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Bhutni** Police Station Case No.**184/2022** dated **15.09.2022** under Sections **302/34** of the IPC, 1860.

And

In the matter of: - **Gobardhan Mondal.**

...petitioner.

Mr. M. Chatterjee,
Mr. Md. Imdadul Hoque

...for the petitioner.

Mr. Joydeep Roy,
Mr. Subhojit Chowdhury

...for the State.

1. Petitioner prays for bail on the ground of parity with the other co-accused, who was extended the same facility by a co-ordinate bench on August 21, 2024 passed in CRM (DB) 2157 of 2024.
2. Petitioner is in custody for in excess of 2 (two) years and 5 (five) months.
3. Trial is in progress.
4. Court is informed that, prosecution proposes to examine 18 witnesses.
5. There is hardly any possibility of the trial ending anytime soon.
6. A co-ordinate bench enlarged the co-accused primarily on the ground of principles of Article 21 of the Constitution of India.

7. Hence, we grant bail to the petitioner solely on the ground of Article 21 of the Constitution of India.
8. Accordingly, we direct that the petitioner, namely, **Gobardhan Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Additional Sessions Judge, 5th Court, Malda*. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
9. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
10. The application for bail being CRM (DB) 4080 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)