

23. Court No.4 03.04.2025 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (DB) 159 of 2025

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 **Mathabhanga** Police Station Case No.124/2024 dated **07.03.2024** under Sections **447/341/325/304/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Mangal Chowhan & Anr.**

...petitioners.

Mr. Subham Ghosh
Mr. Mayank Roy

...for the petitioners.

Mr. Kallol Acharya
Mr. Sourav Ganguly

...for the State.

1. Learned Advocate for the petitioners and learned Advocate for the opposite party/State of West Bengal are present.
2. Heard learned Counsel for the parties. Perused the materials in the case diary.
3. This instant case was instituted against the petitioners/accused persons under Sections 447/341/325/326/307/34 of the Indian Penal Code (IPC), 1860 and subsequently Section 302, IPC was added. Pursuant to completion of investigation the charge-sheet was submitted under Section 304, IPC.
4. Learned Advocate for the petitioners submits that his clients are in custody for 275 days and the trial of the case has not yet started. Learned Advocate also draws attention to the charge-sheet where it is observed by the Investigating Officer

that the Nishiganj PHC, Cooch Behar, opined that the nature of injury is simple at the time of examination. Learned Advocate further submits that from the investigation report the case against the petitioner is doubtful. He prays for bail of the accused petitioners.

5. Learned Advocate for the petitioners also relies upon a decision of the Hon'ble Supreme Court in the case of ***Mohinder Singh v. State (Delhi Administration)*** being Criminal Appeal No.67 of 1977.
6. Learned Advocate for the opposite party/State opposes the prayer for bail.
7. Upon perusing the charge-sheet and the investigation report and other materials in the case diary it would not be reasonable at this stage to make observation with regard to the merits of the case. It is necessary to consider as to whether the petitioner should be granted bail. It has been held in different judicial pronouncements of the Hon'ble Supreme Court as well as different High Courts that while considering the application for bail, the nature of offence the severity of the punishment, the nature of evidence and the chance of repetition of the offence and chance to abscond or tamper with evidence should be taken into consideration.
8. Upon perusal of the case diary it appears that the complaint was lodged by the victim and pursuant to lodging of the complaint the victim was admitted to hospital where he

succumbed to his injuries six days thereafter. Subsequently, charge-sheet was submitted under Section 304, IPC.

9. Upon perusal of the materials in the case diary and the period of detention of the petitioner and the fact that the investigation is complete this Court is of the view that as there is no reasonable apprehension to abscond or to repeat the offence, in the interest of justice the petitioners should be granted an opportunity to remain on bail. I, therefore, allow the prayer for bail made by the petitioners.
10. Accordingly, it is ORDERED that the petitioners, namely, **1. Mangal Chowhan, 2. Suraj Chowhan**, shall be released on bail, upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of Rs.5,000/- (Rupees Five Thousand) each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar, subject to condition that the petitioners 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 Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall not leave the jurisdiction of the learned Trial Court and shall not enter into the locality where the victim used to reside and shall meet the Inspector-in-

Charge/Officer-in-Charge of the concerned Police Station,
twice a week, until further orders.

11. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, their bail shall stand automatically cancelled without further reference to this Court.
12. The application for bail being CRM (DB) 159 of 2025 is accordingly disposed of.
13. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Biswaroop Chowdhury, J.)