

11.09.2025
Court No.04
Item No.08
Nandita

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 279 of 2025

In Re: - An application for Bail under Section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pundibari Police Station Case No. 723 of 2023, dated 13.10.2023** under Sections **498A/302/304B/120B of the Indian Penal Code, 1860.**

And

In the matter of: **Uttam Mandal @ Mondal**

....PETITIONER

Mr. Sourav Ganguly,
Ms. Rishita Chakraborty,
Mr. Bibhash Kr. Nandi

...for the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Nag

....for the State

1. An application for bail is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari Police Station Case No. 723 of 2023 dated 13.10.2023 under Sections 498A/302/304B/120B of the Indian Penal Code, 1860.

2. It is said by the learned Advocate for the petitioner that this accused petitioner is in custody since 23rd March, 2024. He is completely innocent and has/had got no connection with the offence alleged. After framing of charge by the trial Court the evidence taking process has been started but there is no immediate chance of conclusion of the trial. So, there is no necessity of further detention of this accused petitioner behind the bar for the sake of custodial interrogation. Accordingly, it is said that this accused

petitioner may be enlarged on bail on any condition that may be put upon him as the Court may deem fit and proper.

3. Learned Additional Public Prosecutor raises objection by submitting that there are sufficient incriminating materials in the record which show about the prima facie involvement of this accused petitioner with the alleged offence. Moreover, the trial has already been commenced. Out of 14 charge sheeted witnesses, three witnesses have already been examined. The next date is fixed for E/R of WWA and evidence of C.S.W. 9 and 11.

4. It is apparent from the materials available on record that the investigation in the present case has already been concluded and the charge-sheet has been duly submitted before the competent court. Consequent thereto, charges have been framed against the accused persons and the trial has already commenced, in which three prosecution witnesses have been examined. It is also reflected from the record that a warrant of arrest has been issued against CSW- 9 for securing his presence before the trial court. Furthermore, it is not in dispute that certain other FIR-named accused persons have already been enlarged on bail. This Court also cannot lose sight of the fact that, at the present juncture of the proceeding, there is no immediate likelihood of the trial reaching its conclusion in the near future. The process of evidence-taking is still underway, and the pace of trial does not inspire confidence of its early completion. In such a backdrop, keeping the present accused confined behind the bar for an indefinite and uncertain span of time would not only serve no fruitful purpose but would also amount to an undue curtailment of his personal liberty. In these circumstances, to keep the accused confined in custody for an indefinite and uncertain period would amount to a virtual punishment before conviction, which the law does not countenance. Denial of bail in such a

situation would be contrary to the settled principles of criminal jurisprudence, which require that an accused be enlarged on bail when further detention is not necessitated either for investigation or for securing the ends of justice.

5. Considering the period of long detention already undergone by the accused-petitioner, the fact that the trial is not likely to attain finality in the near future, this Court is of the view that the present petitioner deserves to be released on bail.

6. Accordingly, **CRM (M) 279 of 2025** is **allowed**.

7. In view of above, the petitioner namely, **Uttam Mandal @ Mondal** is enlarged on bail on furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each subject to the satisfaction of learned Additional Sessions Judge, 3rd Court, Coochbehar and subject to the conditions 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.

8. In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Additional Sessions Judge, 3rd Court, Coochbehar or the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.

9. Urgent Photostat Certified Copy of this order may be supplied to the parties expeditiously, if applied for.

(PRASENJIT BISWAS, J.)