

25.11.2025
Sl. No.4
Court No.4
s.biswas
(Allowed)

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 331 of 2025

In Re: - An application for bail under Section 483 of Bharatatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the
Code of Criminal Procedure, 1973 in connection with **Haldibari** P.S.
Case No. **152/2019** dated **07.08.2019** under Sections
498A/302/34 of the Indian Penal Code.

And

In the matter of: **Bimal Mandal**

....Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Bhaskar Das

Dr. Arjun Chowdhury

...for the State

1. The bail prayer of the petitioner is taken up for consideration.
2. It is submitted on behalf of the petitioner that the petitioner is the husband of the deceased. He has been in custody for over 6 years 3 months. Learned counsel for the petitioner relies upon the order passed on September 22, 2023 in CRM(DB) 562 of 2023. He further submits that the trial of the case is stagnant at the point which was noted in such order. Therefore, the petitioner deserves to be enlarged on bail.
3. Learned counsel appearing on behalf of the State opposes the prayer for bail. He refers to various materials in the case diary.
4. From the materials on record it appears that the petitioner has been in custody in connection with the instant case for over 6

years 3 months. By order dated September 22, 2023 in CRM(DB) 562 of 2023, this court had observed that “although the petitioner is in incarceration for quite some time, keeping in view that only one of the witnesses is left to be examined and the trial is on the verge of conclusion, we do not find any ground to grant bail to the petitioner at this stage.” The aforesaid order also granted liberty to the petitioner to renew his prayer for bail, in the event the trial has not concluded within 3 months. It is informed that the case is fixed on December 23, 2025 for examination of remaining witnesses i.e. PWs 10, 11 and 12. The prosecution does not appear to have been able to conclude the trial within 3 months, as directed by this court dated September 22, 2023. In such circumstances, I find substance in the submission made on behalf of the petitioner to grant bail to the petitioner on the ground of Article 21 of the Constitution of India.

5. Hence, the application for bail stands **allowed**.
6. Accordingly, I direct that the petitioner 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, Mekhliganj, Cooch Behar subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to comply with any of the conditions as enshrined hereinbefore, it shall be open to the trial

court to cancel the bail without any further reference to this Court.

8. CRM (M) 331 of 2025 is thus disposed of.
9. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)