

30.05.2025
Court No.06
Item No.43
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 1137 of 2025

Ab

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 25.03.2025 in connection with Bishnupur Police Station Case No. 145 of 2023 dated 19.02.2023 under Sections 302/34/120B of the Indian Penal Code;

And

In the matter of :**Sukhdeb Mandal @ Swapan Mondal @ Sukdeb @ Sukdeb Mondal.**

...Petitioner.

**Mr. Mayukh Mukherjee,
Mr. Soumya Nag,
Mr. Aditya Tiwari.**

...For the Petitioner.

**Ms. Sukanya Bhattacharya,
Mr. Aniket Mitra,
Mr. S. Balial.**

...For the State.

1. This Court has heard learned Advocate for the petitioner and the learned Advocate for the State at length.
2. This Court has also considered the entire materials as placed before this Court including the materials as available in the case diary.
3. Admittedly, this is a renewal of the prayer for bail at the instance of the present accused petitioner.
4. On careful consideration of the evidence as adduced by the P.W.1 before the learned Trial Court, it reveals that though in his Examination-in-Chief, the said P.W. 1 categorically stated that the present accused petitioner identified the victim to the assailants,

however, in the cross-examination, said P.W.1 has stated that he had not seen the incident of crime with his own eyes.

5. This Court has meticulously gone through the statements of the witnesses as recorded under Section 164 of the Code of Criminal Procedure as well as some statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure.
6. On careful scrutiny of such statements, it appears that though some of the witnesses have stated in such statements about the alleged role of the present accused petitioner regarding identification of the victim to the assailants, however, some witnesses have categorically stated that at the time of commission of crime, the present accused petitioner was standing at a far distance and in such statements there is/are no whisper(s) regarding the alleged involvement of the present accused petitioner.
7. Admittedly, the present accused petitioner is languishing in judicial custody for more the two years. There is no certainty as to when the trial before the learned Trial Court will come at a logical conclusion. Considering the entire circumstances, this Court is, thus, inclined the prayer for bail of the present accused petitioner.
8. Accordingly, it is ordered that the petitioner, namely, **Sukhdeb Mandal @ Swapan Mondal @ Sukdeb @ Sukdeb Mondal**, be released on bail upon furnishing a bond of Rs. 50,000/- (Rupees fifty thousand), with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, 8th Court at Alipore, South 24-Parganas and also on a further condition that the present accused petitioner shall appear before

the learned Trial Court on each and every date of substantive hearing unless such personal appearance is dispensed with by the learned Trial Court.

9. It is also directed that the present accused petitioner shall not enter into the territorial jurisdiction of the Bishnupur Police Station unless such condition is relaxed by the learned Trial Court.
10. It is further directed that the present accused petitioner shall not tamper with the evidence as well as shall not cause any threat and/or inducement to the charge-sheeted witnesses, failing which the learned Trial Court is at liberty to cancel the bail prayer of the petitioner without any further reference to this Court.
11. With the aforementioned observations, the instant bail application is disposed of.

(Partha Sarathi Sen, J.)