

In the Court of Additional Sessions Judge, 1st Court, Contai, Purba Medinipur.

*Present : Shri Ajayendra Nath Bhattacharya.
Additional Sessions Judge, 1st Court, Contai.
J.O.Code WB00819*

Criminal Misc. Case No. 42 of 2026

CNR No. WBEM09-000449-2026

Shri. Mantu Giri v. State of West Bengal

Order No. 09, dated 08-04-2026

Today is fixed for hearing of this Criminal Misc. Case which has been initiated on behalf of the accused person, namely, Shri. Mantu Giri u/S. 483 of the BNSS, 2023 in connection with G.R Case No. 2820 of 2025 arising out of Talpati Ghat Coastal P.S Case No. 179 of 2025 dated 30-11-2025 u/S. 115(3)/118(3)126(2)/3(5)/103(1) of the BNS, 2023 and 3/4 DP Act, 1961.

Shri Anirban Chakroborty, Ld. Advocate has filed an affidavit stating that no application for bail u/S. 483 BNSS, 2023 of this accused person has either been rejected or pending before any superior forum. It is also mentioned in the said affidavit that there has been also no rejection of bail u/S 483, BNSS, 2023 of this accused person by this Court on earlier occasion.

Ld. Lawyer appearing for the accused person namely Shri. Mantu Giri submitted that the accused person is totally innocent and falsely implicated in this case. It is submitted that the accused person is not named in the written information and he has been entangled in this case on the basis of suspicion only. The Ld. Advocate for the accused person submitted that the accused person is in custody since 22-01-2026 and over the period the investigation would have progressed a lot and all the necessary evidence must have been collected and as such there is no scope to tamper with the evidence.

Ld. Additional P.P, Contai produces the case diary and opposes the prayer for bail. It is submitted that sufficient materials have been collected against the present accused person during the course of investigation. It is submitted that the statement of the witnesses as recorded during the course of investigation speaks in volumes about the role played by the accused person in the alleged offence. It is also submitted that the accused person had tried to shift the direction of the investigation in order to shield his guilt.

Perused the application u/S. 483 BNSS, 2023 and considered the submissions of both the sides in the light of the materials on record and the case diary.

Now, in the case of Jameel Ahamad v. Mohammed Umair Mohammed Haroon and another as reported in *2023 (2) AICLR 831 (SC)* the Hon'ble Apex Court has observed that though grant of bail is a discretionary order, the use of such discretion requires exercise of the same in a judicial manner and on the application of some settled parameters. A guideline to such parameters can be ascertained from the decision of the Hon'ble Apex Court in the case of Mahipal v. Rajesh Kumar @ Poila and another as reported in *2020 (1) AICLR 14 (SC)*, where it has been observed by the Hon'ble Apex Court that determination of whether a case is fit for grant of bail involves balancing of numerous factors, among which nature of offence, severity of punishment and prima facie view of involvement of accused are important. No straight jacket formula exists for court to assess application for grant of bail. Court is not required to enter into detailed analysis of evidence on record to establish beyond reasonable doubt the commission of crime by accused. That is a matter of trial. However, the Court is required to examine whether there is a prima facie or reasonable ground to believe that accused had committed offence and on balance of consideration involved, continued custody of accused sub-serves purpose of criminal justice system. Further in the case of State of Kerala v. Mahesh as reported in *2021 (2) AICLR 684 (SC)*, it has been observed by the Hon'ble Apex Court that all relevant factors have to be weighed by Court considering application for bail, including gravity of offence, evidence and materials which prima facie show involvement of applicant for bail in offence alleged, possibility of applicant accused absconding or otherwise defeating and delaying course of justice, reasonable apprehension of witnesses being threatened or influenced or of evidence being tampered with and danger to victim, complainant, their relatives, friends and others. Similar views have been expressed by the Hon'ble Apex Court in the case of Brijmani Devi v. Pappu Kumar and others as reported in *2023 (1) AICLR 321 (SC)* and also in the case of Kamla Devi v. State of Rajasthan as reported in *2023 (2) AICLR 480 (SC)*.

On perusal case record and case diary and case record it appears that the accused person is in custody since 22-01-2026. On further perusal of the case diary and the case record, it is found that the investigation of the case has revealed a direct involvement of the present accused behind the death of the victim. It is also found that there was a clear attempt on the part of the accused person to misdirect the investigation of the case. The investigation of the case is still going on and there is chance of further revelation of more evidence against the accused person. Considering the above facts coupled with the stage of investigation, this Court is not inclined to release the accused person of bail and the prayer stands **rejected**.

The Criminal Misc. Case is thus disposed of on contest.

Let a copy of this order along with the TCR be sent to the Court of Ld. A.C.J.M,
Contai, Purba Medinipur for information and necessary action.

C.D. be returned.

Note it.

Dictated and Corrected by me:

Sd/-
Additional Sessions Judge, 1st
Court, Contai.

Sd/-
Additional Sessions Judge, 1st
Court, Contai.