

26.08.19

Sl. No.5

Ct. No.1

akd

[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 726 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2019 in connection with Mathabhanga Police Station Case No. 150 of 2019 dated 14.04.2019 under Sections 302/201/34 of the Indian Penal Code. (G.R. Case No.308 of 2019)

And

In Re: ***Prasanta Mandal @ Pa Mochha***

... .. Petitioner

Mr. Amales Ray .. Advocate

Ms. Suman Sehanabis (Mandal) .. Advocate

... .. for the petitioner

Mr. Arun Kumar Sarkar .. Advocate

Mr. Abhijit Sarkar .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 302/201/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is in custody for about 132 days and that investigation is complete.

Learned Counsel for the State opposes the prayer for bail and submits that there was enmity between the deceased and the petitioner and the deceased had expressed apprehension that she would be done away with by the petitioner.

We have considered the materials on record. Although there may be some motive in commission of the offence, the case is essentially based on circumstantial evidence. Keeping in mind the facts and circumstances of the case and the period of detention suffered by

the petitioner and as investigation is complete, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Prasanta Mandal @ Pa Mochha***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar subject to condition that the said petitioner 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.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)