

04.09.2020
Item No.01(S.L.)
Dc/Aj.

Allowed

C.R.M. 5601 of 2020
C.R.A.N. 1 of 2020 (Old No. C.R.A.N. 3964 of 2020)
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with G.R. Case No. 3958 of 2019 arising out of Nowda Police Station Case No. 247 of 2019 dated 10.09.2019 under Sections 447/302/120B/34 of the Indian Penal Code, 1860 and under Sections 25/27 of the Arms Act, corresponding to Charge Sheet No. 308 of 2019 dated 08.12.2019 under Sections 447/302/120B/34 of the Indian Penal Code, 1860.

And

In the matter of: Rahim Mondal. ... Petitioner.

Ms. Sonali Das. ... For the Petitioner.

Mr. Rana Mukherjee,
Mr. Swapan Banerjee,
Ms. Purnima Ghosh. ... For the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The learned advocate for the petitioner submits that similarly placed accused persons have already been granted bail and the petitioner is in custody for about 298 days.

The learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the different seizure lists as well as the statement of witnesses.

We have taken into account the order dated 11.06.2020 passed in C.R.M. 4046 of 2020 and the order dated 23.04.2020 passed in C.R.M. 3187 of 2020. Taking into account the said orders and the locus standi of the present petitioner in the facts and circumstances of the case, we are of the opinion that the present petitioner should be released on bail. Accordingly, the prayer for bail of the petitioner is allowed.

Let the petitioner be released on bail upon furnishing a 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 Chief Judicial Magistrate, Berhampore, Murshidabad and on condition that the petitioner shall not threaten the witnesses and/or try to tamper with evidence and/or intimidate the witnesses. The petitioner shall make himself present in Court on each and every date, in the alternative, the Trial Court will be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

CRM 5601 of 2020 and CRAN 3964 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)