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CRM 6389 of 2020
With
IA No. CRAN/1/2020
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.697/2016 dated under Sections 147/148/149/447/326/307/302 of the Indian Penal Code and Sections 3 /4 of the Explosive Substance Act.

And

In the matter of: Ujjwal Mandal & Ors.

....Petitioners.

Mr. Mounick Ghosh

...for the Petitioners.

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being CRAN 1 of 2020 is disposed of.

It is submitted on behalf of the petitioners that the co-accused has been granted pre-arrest bail.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record we find that the petitioner No.1 appears to be the principal accused, hence he does not stand on the same footing with the co-accused who has been granted bail. Accordingly, his prayer for bail is rejected.

However, having considered the materials on record and bearing in mind the extent of complicity of the petitioner Nos. 2, 3 & 4 in the alleged crime and as allegations levelled against him and that against the co-accuseds have been granted bail are similar, we are inclined to allow the prayer for bail of them.

Accordingly we direct that the petitioner Nos.2, 3 & 4 Mithun Mandal, Sanjoy Mandal & Dukkhu Mandal shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, Malda subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

Prayer for bail of petitioner No.1 is rejected.

The application for bail is, accordingly, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)