

23.09.2020

Item No.10

Ct.No.11

dc.

Allowed

C.R.M. 6629 of 2020

(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No. 99 of 2020 dated 10.02.2020 under Sections 341/325/326/307/34 of the Indian Penal Code (G.R. Case No.723 of 2020).

And

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

Ms. Sujata Das ... For the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta ... For the State.

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

Learned advocate for the petitioner submits that the petitioner is in custody for about 220 days and further detention of the petitioner is unwarranted in view of the stage of the case.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the injury report.

We have considered the materials in the case diary. We are of the opinion that prima facie the alleged offences are in support of the prosecution. However, considering the period of detention of the present petitioner for more than seven months, we are of the opinion that the petitioner may be released on bail on certain stringent conditions.

Accordingly, the petitioner shall 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, Malda subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Malda Police Station until further orders, except for the purpose of attending the Court proceedings and/or as and when called for by the Officer-in-Charge of Malda Police Station and shall inform the Investigating Agency/Officer-in-Charge of Malda Police Station regarding the address of his residence while he is staying outside the jurisdiction of Malda Police Station.

The Trial Court is directed to see that if the petitioner is absent on any flimsy ground and the trial of the case is impeded or the petitioner creates any obstruction in the progress of the trial, then the Trial Court shall be at liberty

to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application being CRM 6629 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)