

15.10.2020
Sl. No. 12
sdas
Allowed

C.R.M. 7853 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 313 of 2020 dated 08.06.2020 under Sections 392/397 of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act with added Section 411 of the Indian Penal Code.

And

In Re : **Saheb Mandal @ Sahadeb Mandal** petitioner

Mr. Musharraf Alam Sk.
.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
....for the State

Leave is granted to the learned Counsel appearing for the petitioner to correct the cause title.

Petitioner is in custody for 129 days.

It is submitted by the learned Counsel appearing for the petitioner that the alleged stolen property has already been recovered.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and in view of the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner, we are of the opinion that though further detention of the petitioner may not be necessary

movement of the petitioner requires to be restricted in order to vehement offence committed by the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 conditions that the petitioner shall not enter the jurisdiction of Malda until further orders except for attending court proceedings and/or investigation and shall provide the address where he shall presently reside to the investigating agency and the court below. He shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders. He 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)

