

19.10.2020
Sl. No. 32
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Allowed
Crt.12

**CRM 8062 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sessions Trial No. 45 of 2018 arising out Ashoknagar P.S. Case No.342 of 2018 dated 29.05.2018 under Sections 376/506/509 of Indian Penal Code 1860 (corresponding to GR. Case No. 846 of 2018).

And

In the matter of: **Golam Hossain Mondal @ Raju**

....Petitioner.

Mr. Mazhar Hossain Chowdhury

...for the Petitioner.

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Counsel for the petitioner admits that he could not be present on the day fixed for his appearance before the trial Court and as a result whereof warrant of arrest was issued. In the meantime he was arrested in another P.S. case, namely P.S. Case No. 154 of 2019 in which he has been granted bail.

Having regard to the fact that a Co-ordinate Bench as well as the trial Court felt that he should be released on bail and the explanation offered by him for not being present on the day was due to miscommunication between the petitioner and the dealing clerk of his advocate, we are inclined to allow the application for bail.

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 Additional Chief Judicial

Magistrate, Barasat subject to the condition and that during bail he shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on condition that he should be present on every date fixed for appearance and subject to the condition mentioned in Section 473(3) of CrPC. In the event the petitioner fails to comply with the conditions as enshrined hereinabove, it is open to the trial court to cancel the bail without any further reference to this court.

We make it clear although this time we condone the breach accepting the explanation offered but for any future breach would result immediate arrest and custody and can be shown as a reason for not enlarging the petitioner on bail.

CRM 8062 of 2020 stands thus disposed of.

Learned advocate as well as the other concerned authorities shall act on the copy of the order downloaded from the official website of this Court.

(Soumen Sen, J.)

(Abhijit Gangopadhyay, J.)