

20.11.2020
tkm/ct 3
sl no. 27

**C.R.M. 8907 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 5.3.2020 in connection with Baguiati P.S case no. 553 of 2013 dated 24.10.2013 under sections 302/453/380/411/34 of the IPC

And

Allowed

In Re : Prodip Mondal @ Pradip & Anr. petitioners

Mr. Surajit Basu

..... for the petitioners

Mr. M Sur

Mr. D Paramanick

..... for the State

Petitioners are in custody for over six years. It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case and there is little possibility of trial concluding in the near future.

Learned lawyer for the State opposes the prayer for bail and submits that delay is attributable to the petitioners as indicated by the trial court.

We have considered the materials on record. Striking a balance between the gravity of the offence and the protracted period of detention suffered by the petitioners we are of the opinion in the facts and circumstances of the case particularly as the possibility of conclusion of trial in the near future is extremely bleak, we are inclined to grant bail to the petitioner, however subject to strict conditions.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like

amount each, one of whom must be local to the satisfaction of the learned CJM, Barasat at North 24 Parganas on condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not leave the jurisdiction of New Town P.S while on bail until further orders except for purpose of investigation and attending court proceeding and shall report to the concerned officer in charge once in a week until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 8907 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)