

25.11.2020

Item No.25

Ct.No.11

dc.

Allowed

C.R.M. 9211 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Nimta P.S. Case No. 35/20 dated 16.01.2020 under Sections 302/201/120B of the Indian Penal Code.

And

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

Mr. Raja Biswas,
Mr. Abhijit Sarkar ... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta ... For the State.

The 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 since January 2020 and similarly placed accused has been granted bail by a co-ordinate Bench of this Court on 18.08.2020 in CRM 5677 of 2020. The learned advocate further submits that in view of the fact that charge-sheet has already been submitted, the petitioner may be released on bail.

Mr. Roy Chowdhury, learned advocate appearing for the State submits that the petitioner has been implicated for being friend of the principal accused and so far as the evidence collected by the investigating agency is concerned, the learned advocate is unable to distinguish the locus standi of the present petitioner as well as the petitioner who has been granted bail.

We have taken into account the materials available in the case diary and having regard to the alleged complicity of the present petitioner and the chain of circumstances as also the order passed by a co-ordinate Bench of this Court in CRM 5677 of 2020, we are of the opinion that further detention of the petitioner is unwarranted. As such, the petitioner may be released on bail.

Accordingly, the petitioner shall be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Barrackpore 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.

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 9211 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.)

(Subrata Talukdar, J.)