

**17.12.2020**  
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**b.das**

**CRM 9703 of 2020**  
**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi P.S. Case No.04 of 2016 dated 12.01.2016 under Sections 393/397/412 of the Indian Penal Code and Sections 25(1)(a)/25(1B)(a) & 35 of the Arms Act.

And

In the matter of: Biki Mardi @ Somnath Mardi @ Som Mardi  
.....Petitioner.

Mr. S. Dutta  
...for the petitioner

Mr. Madhusudan Sur  
Mr. D. Paramanick  
...for the State.

It is submitted on behalf of the petitioner that he is in custody for more than 4 years. It is submitted that the principal witness failed to identify him in court.

Learned lawyer for the State submits that he has criminal antecedents.

We have considered the materials on record including the evidence of PW 1, the principal witness who failed to identify the petitioner in court. Impact of alleged seizure may be assessed at the appropriate stage of the proceeding.

In view of the aforesaid factual matrix and the period of detention suffered by the petitioner, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail but subject to strict conditions.

Accordingly we direct that 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 Additional District and Sessions Judge at Gangarampur at Buniadpur subject to condition that the petitioner 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 and on further condition that the petitioner shall not enter the jurisdiction of Gazole P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

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.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**