

11.12.2020
Court No.28
SL No.27
AP

CRM 10249 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No.**697 of 2016** dated **10.10.2016** under Sections **147/148/149/447/307/302** of the Indian Penal Code and Sections **3/4** of the Arms Act.

And

In the matter of: **Dipak Mandal**

....Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Suman Saha

...for the State.

It is submitted on behalf of the petitioner that he is not the principal accused who had hurled bomb resulting in death of the victim.

Learned lawyer for the State opposes the prayer for bail and submits that statements of witnesses show the presence of the petitioner along with principal accused at the place of occurrence in the course of altercation in the village over voting in favour of a political party and his prayer for bail was rejected earlier.

We have considered the materials on record. Whether the petitioners shared a common object to murder the victim or not may be assessed in the light of the attending facts and circumstances of the case at the appropriate stage of the proceedings. However, in view of the extent of complicity of the petitioner in the alleged crime and as co-accused similarly circumstanced with the petitioner have been enlarged on bail and as there is no progress in the matter since the last rejection of bail by this court, we are inclined to grant bail to the petitioner.

Let the petitioner 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 Chief Judicial Magistrate, Malda subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)