

21.12.2020
Item no. 98
Court No.28
AB

C.R.M. No.10355 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Joynagar Police Station Case No.886 of 2017 Dated 07.06.2017 under Sections 302/201/120B/34 of the Indian Penal Code

And

In the matter of:-

Nityananda Mondal

... Petitioner

Mr. Uday Sankar Chatterjee,
Mr. Suman Sankar Chatterjee,
Mr. Santanu Majhi

.. for the petitioner

Mr. Neguive Ahmed,
Ms. Amita Gaur

..for the State

It is submitted on behalf of the petitioner that he is in custody for 237 days and co-accuseds are on bail. There is no direct evidence connecting the petitioner with the alleged crime.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner absconded for three years.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as co-accuseds are on bail, we are inclined to grant bail to the petitioner also subject, however, to 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, each of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, subject to the condition that he shall not leave the jurisdiction of Joynagar Police Station except for the purposes of attending court proceedings and shall report to the Officer in charge, Joynagar Police Station once in a week and 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.

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.)

