

18.12.2020
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Sdas
allowed

**CRM 10553 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lake Police Station Case No. 133 of 2019 dated 02.09.2019 under Section 304 of the Indian Penal Code and Section 185 of the Motor Vehicles Act.

And

In Re : Swapan Mondal petitioner

Mr. Kusal Kumar Mukherjee

.....for the petitioner

Mr. P. K. Datta, learned A.P.P.

Mr. Santanu Deb Roy

..... for the State

Learned Counsel appearing for the petitioner submits that ingredients of the offence punishable under Section 304 of the Indian Penal Code are not disclosed in the facts of the case. It is also submitted that the petitioner is in custody for 429 days.

Learned Counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record in the light of the aforesaid submission made on behalf of the petitioner and in view of the period of detention already suffered by the petitioner, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, South 24-Parganas at Alipore, 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 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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)