

08.01.2021
Item no.34
Ct.5
CHC
Allowed

C.R.M. No.148 of 2021

(Physical Hearing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 29 of 2020 dated 12.1.2020 under Sections 302/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of:-

Ripon Mondal

... Petitioner

Mr. Somnath Adhikary

.. for the petitioner

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta

..for the State

This relates to prayer for bail.

Learned advocate Mr. Adhikary, for the petitioner renews the prayer for bail taking the ground of change in the circumstances for the delay caused in the commencement of the trial, after it was last rejected on 28th September, 2020.

It is further submitted that the recovery of two wheelers allegedly used in committing the murder, alone cannot be sufficient enough to justify further detention of the petitioner on the score that, at the relevant point of time petitioner had already

transferred his ownership in favour of somebody else. It is also submitted that petitioner has been falsely implicated in this case as name of the petitioner does not find place in the FIR.

Learned Senior Government Advocate, Mr. Ghosh raises strong objection against the prayer for bail referring the statement of witnesses already collected together with recovery of one two wheeler, which according to the prosecution, was sufficient enough to establish nexus between the petitioner with that of the offence, complained of.

This case is purely based of circumstance. There is no direct witness available in this case when the death was caused.

Having considered the materials already collected in the C.D. and the rival submission of the parties and bearing in mind period of detention already undergone by the petitioner/accused together with extent of his complicity, and further that there is no further recovery of any other items, allegedly used in the crime, we are persuaded to grant bail to the petitioner.

Accordingly, petitioner (Ripon Mondal) may find bail of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of Rs.10,000/- each, one of whom must be local subject to the satisfaction of Learned Chief Judicial Magistrate, Murshidabad at Berhampore, and on condition that petitioner shall ensure his presence on each date of hearing and will not intimidate the witnesses in any manner whatsoever and further will not tamper the evidence already collected until further order.

This Court makes it clear that in default of making any departure as regards making observance of the conditions of bail, the trial court shall be free to go for cancellation of the bail without making any reference to this Court.

C.D. be returned.

With these observations, **CRM 148 of 2021** stands **disposed of**.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)

(Subrata Talukdar, J.)