

18.03.2021

Item No.85

Ct.No.28

dc.

Allowed

C.R.M. 830 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Memari P.S. Case No. 419 of 2020 dated 14.09.2020 under Sections 325/326/307/302/34 of the Indian Penal Code.

And

In Re : **Asiful Mondal & Anr.**

... Petitioners.

Mr. Kallol Mondal,
Mr. Uday Sankar Chattopadhyay,
Mr. Kishan Roy,
Ms. Amrita Chel,
Ms. Snigdha Saha,
Mr. S. Das,
Mr. Santanu Maji,
Mr. Syed Hasan Jamal

... For the Petitioners.

Mr. Rudradipta Nandy

... For the State.

Mr. Pawan Kumar Gupta,
Mr. Hasanuz Zaman

... For the *de facto* complainant.

This is an application for bail in connection with Memari P.S. Case No. 419 of 2020 dated 14.09.2020 under Sections 325/326/307/302/34 of the Indian Penal Code at the behest of the petitioners.

Mr. Mondal, learned advocate appearing for the petitioners submits that the petitioners are in custody for more than six months and investigation of the case has already been concluded. As such, the petitioners may be released on bail.

Mr. Nandy, learned advocate appearing for the State opposes the prayer for bail and submits that there were violent acts committed by the petitioners and their associates and as a result of which not only the deceased but also the other persons were injured.

Mr. Gupta, learned advocate appearing for the *de facto* complainant submits that the petitioners had thrown chilly-water on the face of the injured person.

We have perused the materials in the case diary including the dying declaration. Although there are materials against the petitioners, but the dying declaration refers to some other accused who have inflicted the vital blows on the deceased. Having regard to the complicity of the present petitioners in the alleged offence, we are of the opinion that further detention of the petitioners is unwarranted in the facts and circumstances of the case. As such, petitioners' prayer for bail is allowed.

Accordingly, we direct that the petitioners, namely, 1) **Asiful Mondal** and 2) **Badrunnesha Mondal @ Badrunnessa Bibi** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Purba Burdwan subject to the condition that while on bail, the petitioners shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further

condition that the petitioner no.1 shall meet with the Officer-in-Charge of Memari Police Station once a week until further orders.

The application for bail, being CRM 830 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)