

28.04.2021
Court No.28
rpan /06

CRM 1791 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Habibpur Police Station Case No. 293 of 2019 dated 03.09.2019 under sections 363/365/302/34 of the Indian Penal Code;

And

In Re: **Shibu Mandal**

...Petitioner

Mr. Kallol Mondal,
Mr. Musharaf Alam Sk.

...For the Petitioner

Mr. Saibal Bapuli,
Mr. Swapan Banerjee,
Mr. Arani Bhattacharyya

...For the State

Mr. Mondal, learned advocate for the petitioner submits that the petitioner was arrested on 9th September, 2019 and since then he is in custody. He submits that similarly placed co-accused person has already been granted bail. Additionally, he submits, as investigation has already concluded and the materials appearing against the petitioner is similar to the other accused, who has been released on bail, the same benefit may be extended to the petitioner.

Mr. Bapuli, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statements of the witnesses under Section 164 of the Code of Criminal Procedure as also to the post-mortem report.

We have perused the statements of the witnesses under Section 164 of the Code of Criminal Procedure and assessed the

same. Having regard to the nature of materials appearing against the present petitioner in the evidence, collected by the investigating agency and considering his period of detention, the nature and gravity of the offence, we are of the opinion that further detention of the petitioner is unwarranted. As such, prayer for bail of the petitioner is allowed.

Accordingly, we direct that the petitioner, viz. **Shibu Mandal** shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to conditions that the petitioner shall meet with the Officer-in-Charge, Habibpur Police Station once a week until further orders and he shall appear before the learned Magistrate / Trial Court on every date of hearing so fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In case, any of the condition is violated, the learned Magistrate / Trial Court would be at liberty to cancel the petitioner's bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 1791 of 2021, is disposed of.

Let the case diary be returned to Mr. Bapuli, learned advocate for the State.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)