

(Via Video Conference)

CRM 1890 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chakdaha Police Station** Case No. **47 of 2020** dated **07.02.2020** under Sections **302/201** of the Indian Penal Code.

- A n d -

In the matter of : Ajibar Mondal

.... Petitioner.

Mr. Debarshi Brahma
Mrs. Srimoyee Mukherjee

... For the Petitioner.

Mr. N. Ahmed, Ld. APP
Mr. Binoy Panda,
Mr. A. Gaur,

... For the State.

The allegation is that the petitioner who was having an affair with his sister-in-law (wife's sister), killed her. The body was recovered from a mustard field. The petitioner was apprehended 11 days after the incident. On the apparel seized from him, traces of mustard seeds were found. The petitioner says that he is innocent. He has been framed. The phone call made to his wife informing of the alleged incident was not from his mobile phone.

The State Advocate opposes the prayer for bail in view of the serious nature of charge.

We have considered the material in the case diary including the statements of witnesses recorded under Section 164 of the Code. Charge sheet has been submitted. The case is based entirely on circumstantial evidence. The petitioner has been in custody for about 546 days. Although the petitioner's earlier prayer for bail was rejected by a Coordinate

Bench by an order dated July 2, 2020 passed in CRM 4723 of 2020, we are of the opinion that since no substantial progress has been made in the trial since the last rejection, and in view of the facts noted above, the petitioner's prayer can be entertained presently.

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 Additional Chief Judicial Magistrate, Kalyani, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)