

23.08.2021
Item no.23.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2003 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Dhubulia Police Station Case No.270 of 2020 Dated 23.10.2020 under Sections 302/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act

And

In the matter of : Dipankar Mondal

.....Petitioner.

Mr. Debabrata Roy,
Mr. S. Majumdar

.....for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitosok Banerjee,
Mr. A. K. Dutta

.....for the State.

The petitioner is one of seven accused persons. He says that there is no specific allegation against him. There was no recovery from him. He has been in custody for 282 days.

We have seen the material in the case diary including statements of eyewitnesses and other witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. None of the eyewitnesses names the petitioner. One witness names the petitioner, however, only says that there were some disputes pending between the petitioner and his associates and the victim.

Considering the material in the case diary and the nature of allegations against the petitioner as also the extent of his possible complicity in the alleged offence and keeping in view that he is in custody for quite sometime and also that charge sheet has been submitted, we are inclined to allow the petitioner's prayer for bail.

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, Nadia, and on further conditions that he shall remain within 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.)