

12.07.2021

Court No.28  
Item No.10  
(Allowed)

AJ  
&  
S.M

**CRM 2091 of 2021**  
**(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Kaliachak Police Station Case No. 697 of 2016 dated 10.10.2016 under Sections 147/148/149/447/307/302 of the Indian Penal Code and read with Sections 3 /4 of the Arms Act.

And

In the matter of : **Krishna Ranjan Mandal**  
**...Petitioner**

**Mr. Amitabha Karmakar,**  
**Mr. Arup Kumar Bhowmick,**

**...For the Petitioner**

**Mr. Madhusudhan Sur, Ld. APP,**  
**Mr. Dipankar Pramanik,**

**... For the State**

This is an application for bail in connection with Kaliachak Police Station Case No. 697 of 2016 dated 10.10.2016 for committing offence punishable under Sections 147/148/149/447/307/302 of the Indian Penal Code and read with Sections 3 /4 of the Arms Act.

The learned advocate for the petitioner prays for bail on the ground of parity. According to him 19 persons who are similar circumstance had already been released on bail.

It is further submitted that the charge-sheet has already been filed and no further custodial interrogation of the petitioner is required.

Mr. Sur, Learned advocate appearing for the State submits that the bail application filed by one of the co-accused, namely, Krishna Mandal @ Krishna Mondal was rejected by this Court on 18.02.2021 in CRM 10912 of 2020 and the petitioner having stood on the same footing should also be treated equally.

After hearing the respective Counsels and on perusal of the materials on record including the order of rejection in connection

with the bail application filed by Mr. Krishna Mandal @ Krishna Mondal being CRM No. 10912 of 2020, we do not think that the ground on which the prayer for bail was rejected applies to the petitioner in toto.

The petitioner is in custody for more than one year eight months and the allegation of abscondance does not appear from the record. Furthermore we have perused the statement of the wife of the deceased victim recorded under Section 164 of the Cr. PC wherefrom it appears that the name of the petitioner is not included in the category of the principal accused. The petitioner stands at par with Dipak Mandal who has already been enlarged on bail by this Court in CRM 10249 of 2020 on 11.12.2020.

In view of the above, we do not think that the petitioner should remain in custody throughout the pendency of the trial.

The prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda.

The application for bail, being CRM 2091 of 2021, is thus **disposed of.**

**(Harish Tandon, J)**

**(Subhasis Dasgupta,J.)**