

CRM 3362 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure 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 Sections 3/4 of the Arms Act.

- A n d -

In the matter of : Sunil Mandal

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Mr. Bibaswan Bhattacharya

... For the State.

The petitioner is one out of 28 accused persons. He says that 22 accused persons have been enlarged on bail by this Court and the learned Court below. He draws our attention to the relevant orders.

The petitioner says that he has been falsely implicated. He did not hurl bomb. In any event, a co-accused person, standing on the same footing, has been granted bail. He has been in custody for two years eight months. Nobody knows when the trial will conclude. His further custodial interrogation is wholly unnecessary.

The State draws our attention to the material in the Case Diary including the statements of eyewitnesses recorded under Section 164 of the Code of Criminal Procedure.

We have considered the material on record and the possible extent of complicity of the petitioner in the alleged offence. He has been in custody for a long time. There is no possibility of the trial being concluded at an early date.

Further, a co-accused, who appears to be similarly circumstanced, has been granted bail by this Court.

For the reasons aforestated, we 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/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Malda. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

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 his bail in accordance with law without further reference to this Court.

The application for bail being CRM 3362 of 2021 is, thus, **allowed**.

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

(**Suvra Ghosh, J.)**

(**Arijit Banerjee, J.)**