

**CRM 3580 of 2021**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda Police Station Case No.247 of 2019 dated 10-09-2019 under Sections 447/302/120B/34 of the Indian Penal Code and under Sections 25/27 of Arms Act.

- A n d -

**In the matter of : Rabindra Nath Mondal @ Rabin @ Bag**  
.... Petitioner.

Mr. Sekhar Kumar Basu,  
Mr. Md. Bani Israil,  
Ms. Kanchan Gupta

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,  
Mr. Arani Bhattacharyya

... For the State.

The petitioner is in custody for more than 700 days. His earlier prayers for bail were rejected by coordinate Benches of this Court. His prayer was lastly rejected on October 20, 2020 in CRM 7518 of 2020.

Allegation against the petitioner is under Section 302 of the Penal Code. It is submitted that most of the co-accused persons have been granted bail earlier. Investigation is complete. One of the accused, who stands on the same footing as the petitioner, has also been enlarged on bail by the learned trial Court. Further detention of the petitioner is not necessary.

The State opposes the prayer for bail and refers to statements of witnesses recorded under Section 161 of the Code.

We have considered the material in the Case Diary. It appears that the co-accused persons, from whom recovery of offending weapons was made, have been granted bail by

coordinate Benches of this Court. The present petitioner has been named in the FIR. Another co-accused, who has also been named in the FIR, has been granted bail by the learned trial Court. The petitioner is in custody for over 700 days. It is submitted on behalf of the State that October 01, 2021 has been fixed for consideration of charge.

Having considered the entire material in the Case Diary, *prima facie* involvement of the petitioner in the alleged offence and the fact that co-accused persons have been granted bail earlier by the learned trial Court as well as by coordinate Benches of this Court and that there has not been much progress in trial of the case after rejection of the prayer of the petitioner for bail on October 20, 2020, we are inclined to hold that further detention of the petitioner is not necessary.

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, Berhampore. 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 3580 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. )**