

19.08.2021
Item no.86.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4268 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.06.2021 in connection with Mothabari Police Station Case No.185 of 2020 Dated 15.5.2020 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Nitai Mandal

.....Petitioner.

Ms. Minoti Gomes,
Mr. Kalidas Sahafor the Petitioner.

Mr. Noguive Ahmed, Id. APP,
Ms. Z. N. Khan,
Ms. Trina Mitrafor the State.

The petitioner is one of several accused persons. The charge is of murder.

We have seen the material in the case diary. The statements of the witnesses prima facie do not directly incriminate the petitioner.

Further, a co-accused has been granted bail by a Coordinate Bench of this Court by an order dated April 13, 2021 passed in CRM No.1672 of 2021. The petitioner appears to be similarly circumstanced as the accused person, who has been

granted bail. This is not seriously disputed on behalf of the State. Charge sheet has already been filed.

In view of the aforesaid, 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, Malda, 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.)

