

23.08.2021
Item no. 67
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 4350 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 29.06.2021 in connection with Khanakul Police Station Case No. 191 of 2021 dated 15.08.2021 under Sections 147/148/323/325/302/506/34 of the Indian Penal Code.

And

In the matter of : Kashinath Mondal @ Kashi Mondal.

.....Petitioner.

Mr. Niladri Sekhar Ghosh, Advocate,
Ms. Srimoyee Mukherjee, Advocate,

.....for the Petitioner.

Mr. N. Ahmed, Ld. APP,
Mr. Anwar Hossain, Advocate,
Ms. Amita Gour, Advocate,

.....for the State.

The petitioner is one of several accused persons. He says that the incident was a fall out of political conflict. One person was murdered in the altercation between two political groups. He is not one of the actual assailants. One of the actual assailants has been granted bail by the learned Court below. He stands in a far better footing.

The State says that the petitioner was the person who incited the mob and instigated the mob to commit the murder that took place. After that he was absconding for some time. He is a dangerous man.

We are told that charge sheet has been filed.

Having considered the material in the case diary, none of which says that the petitioner was one of the actual assailants and since charge sheet has been filed, we are of the view that the petitioner's prayer may be allowed but on stringent conditions.

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 Additional Chief Judicial Magistrate, Arambagh. 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. He shall not enter the jurisdiction of Khanakul Police Station until further orders. He will furnish the present address to the Officer-in-Charge of the Police Station within the jurisdiction of which he will reside and shall report to that officer once every fortnight until further orders.

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.)