

CRM 4689 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhimpur Police Station** Case No. **154 of 2020** dated **14.07.2020** under Sections **341/325/326/307/302/34** of the Indian Penal Code.

- A n d -

In the matter of : Kader Mondal

.... Petitioner.

Mr. K. Mondal,
Mr. A. Islam,
Mr. S. Mukherjee,
Mr. A. Chel,

... For the Petitioner.

Mr. N. Ahmed, Ld. APP
Mr. T. Mitra,

... For the State.

The petitioner says that he is in custody for about 233 days. He is not the main assailant. The main assailant is one Khairul Mondal, who has been enlarged on bail by this Court on January 29, 2021 in CRM 10976 of 2020. He says that he stands on better footing than Khairul Mondal.

We have seen the material in the case diary including the statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure. The statements are more or less unanimous that Khairul Mondal was the main assailant. Charge sheet has been submitted. All other co-accused persons are on bail.

Considering the above facts and circumstances and the material on record and that the petitioner has been in custody for quite sometime, we are of the view that the petitioner's prayer for bail may be allowed.

Accordingly, we direct that the petitioner, namely, **Kader Mondal** 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, Nadia and on further conditions that he shall not leave the jurisdiction of concerned police station and shall report to the Officer-in-Charge of the concerned police station once in every 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.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)