

01.12.2021
Court No.32
Item No. 144
Krishnendu
Bail Granted

**CRM 5269 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Prodip Mandal**

Petitioner

Mr. Biswajit Tiwari

For the Petitioner

Mr. Binay Panda

Mrs. Puspita Saha

Mr. Subham Bhakat

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mothabari Police Station Case No. 477 of 2019 dated 13.11.2019 under sections 489B/489C/120B of the Indian Penal Code.

Mr. Tiwari, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Two similarly situated co-accused persons have already been granted bail by the learned court below and as such on the ground of parity, the petitioner may be enlarged on bail on any stringent condition. He further submits that upon completion of investigation, charge sheet has already been filed, however, there has been no substantial progress in the trial and in the midst thereof, the petitioner had already suffered long incarceration for more than two years.

Mr. Panda, learned advocate appearing for the State, opposes the petitioner's prayer and submits that the charges have already been framed and there are incriminating materials on record against the petitioner

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that other co-accused persons, from whom 41 pieces and 43 pieces of currency notes were respectively recovered, had already been enlarged on bail. A perusal of the charge sheet reveals that 41 pieces of currency notes were also recovered from the possession of the petitioner and as such it appears that the petitioner is similarly situated with the persons, who had already been granted bail. In view thereof and considering the period of detention, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that the petitioner, namely, ***Prodip Mandal***, shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Chief Judicial Magistrate, Malda on conditions that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.5269 of 2021, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)