

09.12.2021
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allowed

**CRM 5306 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 164 of 2021 dated 22.04.2021 under Section 307 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

And

In Re : Smarajit Mondal petitioner

Ms. Minoti Gomes

.....for the petitioner

Mr. Rudradipta Nandy

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 217 days. It is further submitted the petitioner did not intend to murder the victim.

Learned Counsel appearing for the State opposes prayer for bail.

Allegation of attempt to murder the victim requires to be assessed in the light of the aforesaid submission in the course of trial.

In view of the aforesaid fact and the period of detention already suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)