

07.12.2021  
SL No.27  
Saswata

**CRM 5499 of 2021**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hogalberia** P.S. Case No. **68/2021** dated **07.04.2021** under Sections **302/201** of the Indian Penal Code.

And

In the matter of: **Manik Chand Mondal**

....Petitioner

Mr. Asraf Mandal

...for the Petitioner

Mr. N. Ahmed

Ms. Amita Gaur

...for the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. The petitioner is in custody for 8 months.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner made false statement with regard to the cause of death.

We have considered the materials on record. There is no direct evidence connecting the petitioner to the alleged crime. Whether the circumstances relied upon by the prosecution unerringly points to the guilt of the petitioner or not may be assessed in the course of trial.

However, in the facts and circumstances of the case and considering the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

The prayer for bail is thus allowed.

Let the petitioners 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, Tehatta, Nadia subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

**(Joymalya Bagchi, J.)**

**(Bivas Pattanayak, J.)**