

CRM No.7591 of 2021

Via video conference

21.12.21

(S.R.)

Sl.268

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Jibontala** Police Station Case No.338 of 2021 dated 13/10/2021 under Sections 343/376/323/409/34 of the Indian Penal Code;

And

In re: Manimohan Mondal @ Monimohan Mondal

... Petitioner.

Mr. Ayan Basu

Mr. Gautam Banerjee

Mr. Sandip Kumar Mondal

Mr. Sumit Routh

... for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Mr. Basu, learned advocate appearing for the petitioner submits that the *de facto* complaint is an artist in the opera owned by the petitioner. The dispute occurred amongst them as regards payment of an amount and in view thereof, the petitioner has been falsely implicated. The statement of the victim, who is a married lady, was recorded about one and a half month after the alleged incident. In the said conspectus, further detention of the petitioner, who has suffered incarceration for seventy days, is not warranted.

Ms. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim, as recorded under Section 164, the injury report and several other documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary including the statement of the victim lady, as recorded under Section 164, the injury report, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, 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 Chief Judicial Magistrate, Alipore with a further condition that the petitioner shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioner 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 the petitioner's bail without any further reference to this Court.

The application for bail being CRM No.7591 of 2021 is, accordingly, 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.)