

27.01.2021
Court No.28
rpan / 30

C.R.M. 10937 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.697 of 2016 dated 10.10.2016 under Sections 147/148/149/447/307/302 of the Indian Penal Code and Sections 3/4 of the Arms Act.

And

In Re : **Adhir Mandal & Another**
...Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
... for the petitioners.
Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
... for the State.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The petitioner no.1 is in custody since 17th February, 2017 and the petitioner no.2 is in custody since 22nd December, 2018. Investigation has already been completed and as such, further detention of the petitioners is not necessary. He further submits that one Bijoy Mandal and one Dipak Mandal, who are similarly situated with the petitioners, have already been enlarged on bail by a co-ordinate Bench of this Court.

Mr. Sur, learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioners' prayer for bail was rejected earlier. Trial has already commenced and as such, the petitioners' prayer needs to be rejected.

We have gone through the statements of Prova Mandal, the wife of the victim and one Shyamali Mandal, one Aruna Mandal

and one Hemen Mandal, recorded under Section 164 of the Code of Criminal Procedure and the name of the petitioner no.2 consistently features in the same and as such his prayer for bail stands rejected.

However, a perusal of the records, *prima facie*, reveals that the extent of complicity of the petitioner no.1 is similar to that of the accused persons, namely, Dipak Mandal and Bijoy Mandal, who have already been granted bail by a co-ordinate Bench of this Court.

In the said conspectus, we are of the opinion that further detention of the petitioner no.1 is not necessary.

Accordingly, we direct that the petitioner no.1, **Adhir Mandal**, 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, Malda subject to condition that he shall appear before the trial court on the dates specified for hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event of non-appearance of the petitioner no.1 before the trial court on the specified dates without justifiable cause, the trial court would be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for bail, being CRM No. 10937 of 2020, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)