

18.03.2021

Item No.56

Ct.No.28

dc.

Allowed

C.R.M. 11283 of 2020

(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Bhimpur P.S. Case No. 248 of 2019 dated 23.11.2019 under Sections 498A/304B/34 of the Indian Penal Code.

And

In Re : **Kalyan Mondal**

... Petitioner.

Mr. Omar Faruk Gazi,
Mr. Priyanka Bhowmik

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das

... For the State.

This is an application for bail in connection with Bhimpur P.S. Case No. 248 of 2019 dated 23.11.2019 under Sections 498A/304B/34 of the Indian Penal Code at the behest of the petitioner.

It is submitted by the learned advocate for the petitioner that he being the elder brother-in-law of the deceased has been implicated in connection with the instant case, though no specific role to the complicity of the offence has been ascribed against him. It is further submitted that the other co-accused, who are standing on the same footing, have been granted bail and therefore, the petitioner is entitled to be released on bail.

The learned advocate appearing for the State opposes the prayer for bail and it is submitted that the role of the petitioner along with the other co-accused can be seen from the statement of the several witnesses including the husband of the victim. However, it is fairly submitted that the allegation against the petitioner is omnibus and no specific allegation can be found against him.

In view of the fact as stated above and on perusal of the materials on record, it is found that the petitioner stands on the same footing with that of the other co-accused. The other co-accused persons have been granted bail by this Court in CRM 2212 of 2020 on 2nd March, 2020. We, thus, do not find any justification in refusing the prayer for bail of the petitioner as he stands on the same footing with that of the other co-accused. As such, petitioner's prayer for bail is allowed.

Accordingly, we direct that the petitioner, namely, **Kalyan Mondal** 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 Chief Judicial Magistrate, 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 in accordance with law without further reference to this Court.

The application for bail, being CRM 11283 of 2020, is disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)