

06.01.2022
Sl. No.63
Aloke
Ct. No. 29

C. R. M. (DB) 15 of 2022

[Via Vide Conference]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.12.2021 in connection with Manikchak Police Station Case No. 308 of 2021 dated 21.08.2021 under Sections 448/302/34 of the Indian Penal Code.

And

In Re: **Deben Mandal**

... .. Petitioner

Ms. Minoti Gomes, Advocate

Mr. K. Biswas, Advocate

... .. for the petitioner

Ms. Zareen N. Khan, Advocate

Mr. Ashok Das, Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is not the principal assailant. He has been falsely implicated in the instant case. He is in custody for 131 days.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner was present with the principal accused.

We have considered the materials on record and keeping in mind the extent of complicity of the petitioner in the light of the submission that he is not the principal accused and considering the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner be released on bail upon furnishing 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, Malda, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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 reference to this court.

The application for bail, thus, stands **allowed**.

(Joymalya Bagchi, J.)

(Bibhas Ranjan De, J.)