

CRM(DB) No.82 of 2022
Via video conference

21.02.22
(S.R.)
Sl.11
Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Chapra** Police Station Case No.333 of 2020 dated 16/09/2020 under Sections 364/34 of the Indian Penal Code;

And

In re: Amirul Mondal

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

...for the State.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. His name has transpired on the basis of co-accused statements. One Anur @ Anowar Shaikh, who is similarly situated with the petitioner, has already been granted bail by a Coordinate Bench of this Court. Upon completion of investigation charge sheet has been submitted and as such, further detention of the petitioner, who is in custody for more than 515 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Mitra, learned advocate appearing for the state opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 as well as the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Upon assessing the materials in the case diary, *prima facie*, the role assigned to the petitioner appears to be similar to that of Anur @ Anowar Shaikh, who has already been granted bail by a Coordinate Bench of this Court. Considering the nature of accusations, the period of detention already suffered by the petitioner, we are of the opinion

that further detention is not necessary, more so when upon completion of investigation charge sheet has been submitted.

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, Krishnagar, Nadia, with a further condition that the petitioner shall attend the learned trial court on all the dates as 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(DB) No.82 of 2022 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.)