

28.02.2022

Court No.32
rpan / 19

C.R.M. (DB) 154 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re. : **Manik Mondal**

– Petitioner

Mr. Atanu Biswas

... for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta

... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kalna Police Station Case No.724 of 2021 dated 23.09.2021 under Sections 302/120B of the Indian Penal Code, 1860.

Mr. Biswas, learned advocate appearing for the petitioner submits that the entire case is based upon circumstantial evidence. The petitioner has been falsely implicated. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for more than 159 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner was last seen with the victim and there was a previous dispute between the petitioner and the victim. The wife of the victim is also an accused in the present case. There are strong incriminating materials on

record against the petitioner and as such, he is not entitled to the relief as prayed for. Answer our query, he submits that there had been no recovery of offending weapon from the petitioner.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that the matter is based on circumstantial evidence. The offending weapon had not been recovered from the petitioner. Considering the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner, who has already suffered incarceration for about 159 days, is not warranted.

Accordingly, we allow this application and direct that the petitioner, namely, **Manik Mondal** 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman with a further condition that he shall not leave the jurisdiction of Kalna Police Station until further orders.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below

shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 154 of 2022 is 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.)