

14.03.2022

Court No.32
rpan / 14
SM,J.

C.R.M. (DB) 259 of 2022

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

And

In Re.: **Ajit Pal @ Nata**

- Petitioner

Mr. Subhasish Pachhal
... for the Petitioner.

Mr. Shiladitya Banerjee
... for the State.

The present application has been filed by the petitioner in connection with Ultadanga Police Station Case no.23 of 2021 dated 01.02.2021 under Sections 326A/354A/354B/509 of the Indian Penal Code, 1860, praying for bail.

Mr. Pachhal, Learned Lawyer for the petitioner submitted that the present petitioner is in custody for 405 days. No evidence is there against the present petitioner, except the statement of the principal accused. It is further submitted by the Learned Lawyer for the petitioner that one of the co-accused, namely, Subhas Bhowmick is on bail. Since Chargesheet has been filed, further custodial detention is not necessary. Accordingly, he prays for bail.

Mr. Banerjee, Learned Lawyer appearing for the State invited our attention to the statements of the victim and other witnesses, including the statement of the principal accused and submitted that the present petitioner is involved in the offence inasmuch as

he has procured acid for the principal accused. He, accordingly, strongly, opposed the bail application.

We have heard the rival submissions and perused the C.D. The name of the present petitioner appears from the statement of the principal accused. Except this, nothing is there against the present petitioner to indicate his *mens rea* or active complicity, at this stage, *prima facie*. He is not named by any other witnesses. Considering the fact that he is in custody for about 405 days and Chargesheet has been filed, we are inclined to allow the bail application.

Accordingly the present petitioner, namely, **Ajit Pal @ Nata** may be released on bail on 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, Sealdah, South 24-Parganas.

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) 259 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.)