

CRM(DB) No.265 of 2022

Via video conference

07.03.22

(S.R.)

Sl.23

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Krishnagar Kotwali** Police Station Case No.464 of 2020 dated 08/07/2020 under Sections 498A/406/326/307/34 of the Indian Penal Code;

And

In re: Sahajahan Mondal @ Sahajan Mondal

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Mr. Tanmoy Kr. Ghosh, Ld. Sr. GA

Mr. Arindam Sen

...for the State.

On the prayer of Mr. Majumder, learned advocate appearing for the petitioner leave is granted to correct the cause title of the application.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is presently aged about 61 years and he is suffering from acute heart problems. He has been falsely implicated. No specific overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for 127 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Ghosh, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statements of the witnesses as well as the medical reports and submits that poison was administered and the victim was in hospital for 9 days. There are strong incriminating materials on record against the petitioner. As such, he is not entitled to the relief, as prayed for.

Heard the learned advocates and considered the materials in the

case diary.

Prima facie, no specific overt act has been attributed to the petitioner. Considering the manner in which the offence has taken place, the period of detention already suffered and the extent of the petitioner's complicity in the alleged offence, we are of the opinion that his further detention is not necessary.

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, Nadia, Krishnagar 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.265 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.)