

31.03.2022
Serial no. 29
CHC
Ct. No. 29
Allowed

CRM (DB) 862 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 28th March, 2022 in connection with Manikchak Police Station Case No.73 of 2020, dated 10.02.2020 for the offence punishable under Sections 302/34 of the Indian Penal Code.

-And-

In the matter of : Sri Rajesh Mandal

...Petitioner

Mr. Bibaswan Bhattacharya, Advocate

... .. For the Petitioner

Mr. Ranabir Roy Chowdhury, Advocate

Mr. Mainak Gupta, Advocate

... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is languishing in jail for 779 days. Police filed charge-sheet. Charges were framed. The petitioner was falsely implicated.

Learned advocate appearing for the State submits that there is eye-witness statement recorded under Section 161 of the Criminal Procedure Code, which states that the petitioner was seen leaving the room of the victim. Victim died by manual strangulation.

Considering the period of detention of the petitioner and considering the fact that police filed charge-sheet and charges were framed and considering the fact that one of the other co-accused who was resident of the same house was not included in the charge-sheet by the police, we enlarge the petitioner on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioners are allowed.

CRM (DB) 862 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)