

15.06.2022
Sl. No.110
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 1787 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2022 in connection with Canning Police Station Case No. 494 of 2021 dated 21.11.2021 under Sections 302/379/34 of the Indian Penal Code and Sections 25/27/35 of the Arms Act.

And

In Re: ***Malay Mondal @ Moloy Mondal & Anr.***

... .. Petitioners

Mr. Subhabrata Chowdhury
Ms. Tripti Pandey
Mr. Biswajit Goswami

... .. for the petitioners

Md. Sabir Ahmed
Mr. Angshuman Chakraborty
Mr. S. S. Saha

... .. for the de-facto complainant

Mr. Neguive Ahmed .. Ld. Addl. Public Prosecutor
Ms. Ayantika Ray

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about 202 days. It is further submitted petitioner no.1 has been falsely implicated in the instant case as an alleged conspirator. Name of the petitioner no.2 was taken by the de-facto complainant but is not corroborated by other quarters. Co-accused viz. Panchu Sanfui has been enlarged on bail by this court.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners entered into conspiracy to murder the victim. Thereafter, he was gunned down. Petitioner no.2 fired at the victim. Ammunitions were recovered on his leading statement.

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. We note petitioner no.1 stands on the same footing with co-accused viz. Panchu Sanfui who has been enlarged on bail by this court.

However, with regard to petitioner no.2, we note he was found running away from the place of occurrence. On his leading statement, ammunitions had been recovered. In view of the aforesaid fact, we are of the opinion he does not stand on the same footing with co-accused viz. Panchu Sanfui, who has been enlarged on bail by this court.

Accordingly, we are not inclined in granting bail to the petitioner no.2 namely, **(2) Saiful Laskar** at this stage.

However, keeping in mind the extent of complicity of petitioner no.1 in the alleged crime, period of detention suffered by him and as he stands on the same footing with co-accused viz. Panchu Sanfui who has been enlarged on bail by this court, we are of the opinion further detention of the accused/petitioner no.1 is not necessary.

Therefore, the accused/petitioner no.1 namely **(1) Malay Mondal @ Moloy Mondal**, 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, Alipore, South 24-Parganas subject to condition that the said petitioner no.1 shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail is thus disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

