

23.11.2022
SI. No.26
akd
[ALLOWED]

C. R. M. (DB) 2108 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.06.2022 in connection with Lalgah Police Station Case No. 4 of 2011 dated 07.01.2011 (CBI SCB, Kolkata Case No. RC-3/S/2011, Kol.). (G.R. Case No.21 of 2011)

And

In Re: ***Aswini Chalak***

... .. Petitioner

Mr. Bikash Ch. Halder
Mr. Dhananjoy Banerjee

... .. for the petitioner

Mr. Kallol Mondal

... .. for the CBI

It is submitted on behalf of the petitioner that he had been granted interim bail on the ground of poor health. It is further submitted co-accused viz. Fullara Mondal has been enlarged on regular bail by the Apex Court in Special Leave to Appeal (Crl.) No.5090 of 2022.

In view of the aforesaid development, we called upon the Central Bureau of Investigation (CBI) to submit a report with regard to the comparative roles of the petitioner and the co-accused viz. Fullara Mondal.

Report is placed on record. In the report CBI has stated as follows :-

“The petitioner was one of the persons who was involved in preventing the injured from being taken to the hospital at the time.”

Fullara Mondal has also been ascribed the same role. Petitioner has not been named as one of the accused persons who took part in the firing.

In view of the aforesaid, we are of the opinion roles of the petitioner and that of co-accused viz. Fullara Mondal in the crime are

similar. Though the health of the petitioner has improved to a certain extent, he has been advised medical treatment.

In view of the extent of involvement of the petitioner in the alleged crime which is similar to that of co-accused viz. Fullara Mondal, who has been enlarged on bail, and his poor health, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Aswini Chalak***, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipur subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of Paschim Medinipur until further orders except for the purpose of attending court proceedings and shall report to the Officer-in-charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders.

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, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

