

07.07.2022
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 2147 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.06.2022 in connection with Pingla Police Station Case No. 341 of 2021 dated 11.12.2021 under Sections 302/120B of the Indian Penal Code.

And

In Re: ***Debasish Mondal***

... .. Petitioner

Mr. Pravas Bhattacharya

... .. for the petitioner

Mr. Imtiaz Ahmed .. Id. Addl. Public Prosecutor

Ms. Shaila Afrin

Sk. Sahidullah

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 210 days. It is further submitted petitioner did not play any role in the murder of the child.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had illicit relationship with the mother of the child. On his instigation, the mother smothered the child to death.

We have considered the materials on record. Statements of witnesses do not show presence of the petitioner at the place of occurrence. His complicity transpires from the statement of co-accused before witnesses which is a weak piece of evidence. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Debasish 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, 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.

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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)