

19.07. 2022
item No.50
n.b.
ct. no. 34

CRM (SB) 170 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Chapra Police Station case No.340/2022 dated 07.6.2022 under Sections 448/354/323 of the Indian Penal Code.

And

In Re:**Mithun Mondal**

.....Petitioner.

Mr. Amanul Islam,
Mr. Sourav Mukherjee,
.....for the Petitioner

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen
.....for the State

Learned advocate for the petitioner submits that the petitioner is in custody for about 40 days and is not required to be detained further for the sake of investigation. Further the Investigating Officer did not interrogate the petitioner in jail for a considerable period of time.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for bail and draws the attention to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim/complainant as also the injury report.

Till date there is nothing in the Case Diary to suggest that the victim was admitted in the hospital for 4/5 days, pursuant to the injuries as alleged in the statement. Further injury report reflects that the injury is simple in nature.

Having regard to the period of detention, I am inclined to release the petitioner on bail subject to stringent conditions.

Accordingly, the appellant, **Viz. Mithun Mondal** shall be released on bail upon furnishing 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, Nadia, Krishnanagar.

If on bail, the following conditions should be satisfied by the appellant:

1. The appellant shall stay outside the jurisdiction of Chapra Police Station, except for the purpose of the attending the Court of the Ld. Chief Judicial Magistrate, Nadia, Krishnanagar.
2. The appellant shall inform his place of residence to the learned Chief Judicial Magistrate, Nadia, Krishnanagar as well as the Officer/in-Charge of the Chapra Police Station.
3. Till further orders of this Court, the appellant shall meet with the Investigating Officer of the case twice in a week until further orders.

The appellant would be at liberty to pray for modification of the aforesaid conditions after complying the same for a period of three months.

The application being, CRM(SB) 170 of 2022, is, thus allowed.

All pending applications, if any, are hereby disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)