

CRM 7104 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Panga @ Andriya Mondal

.....Peitioner

Mr. Asrof Mondal

.....for the Petitioner

Mr. S. G. Mukherji, Ld. PP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Chapra P.S. Case No. 219 of 2020 dated 22.06.2020 under Sections 448/326/307/34 of the Indian Penal Code.

Mr. Mondal, learned advocate appearing for the petitioner submits that there was a dispute between the parties pertaining to a plot of land and the petitioner has been falsely implicated. A co-accused person, namely, Ranjit Mondal, has already been granted bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 198 days, is not necessary. Let the order dated 18th September, 2020, as produced, be kept on record.

Mr. Mukherji, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that there are strong incriminating materials against the petitioner. The status

report dated 22nd November, 2021, as submitted, be kept on record.

It appears that a co-ordinate Bench of this Court granted bail to the petitioner therein considering, *inter alia*, that the said person had suffered incarceration for about 84 days. The petitioner herein has already suffered detention for about 198 days. Upon assessing the role of the present petitioner, we find that the extent of his complicity is similar to that of Ranjit Mondal, who had already been granted bail. In view thereof and considering the manner in which the offence has taken place, we are of the opinion that further detention of the present petitioner is not warranted moreso when upon completion of investigation, charge sheet has been submitted. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Panga @ Andriya Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Nadia with further condition that the petitioner shall not enter the jurisdiction of the Chapra Police Station until further orders and he shall intimate the address to the Officer-in-Charge, Chapra Police Station immediately. The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 7104 of 2021, is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)