

08.08.2022.
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as
(Allowed)

C.R.M. (DB) 2657 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Banshihari P. S. Case No.19 of 2020 dated 11.02.2020 under Sections 341/354/379/506 of the Indian Penal Code and charge sheet submitted under Sections 341/354/506 and adding Sections 419/306 of the Indian Penal Code.

In the matter of : Manoj Pahan @ Manoj Mondal.
.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Mr. Sakhawat Khandakar,
Mr. S. Alam.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 51 days. It is contended he had been granted bail earlier. Due to miscommunication he could not appear and warrant of arrest came to be issued. He was re-arrested and is presently in custody.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner had been granted bail earlier. Due to miscommunication he was unable to appear before the trial court and was re-arrested.

Under such circumstances, we are of the opinion petitioner may be granted bail, however, subject to strict conditions.

Accordingly, the petitioner 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Bunianadpur, Dakshin Dinajpur subject to condition that the 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 remain within the jurisdiction of Kushmandi Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge of Kushmandi Police Station once in a month until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)