

28.11.2022
SI. No.22
akd
[ALLOWED]

C. R. M. (DB) 4119 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.11.2022 in connection with Karimpur Police Station Case No. 22 of 2022 dated 30.01.2022 under Sections 279/338/325/307/427/34/302 of the Indian Penal Code.

And

In Re: ***Achinta Mandal @ Achinta Kumar Mondal***

... .. Petitioner

Mr. Parthaprati Das
Mr. Asraf Mandal

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 137 days. It is further submitted petitioner has been falsely implicated in the instant case. Sohail Mondal, who was accompanying the deceased has not implicated the petitioner in the crime.

Learned Additional Public Prosecutor opposes the prayer for bail and submits bail prayer of co-accuseds has been rejected earlier.

We have considered the materials on record. Sohail Mondal, a vital witness had implicated the co-accuseds in the assault. He did not implicate the petitioner in the crime. In view of the aforesaid circumstances and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Achinta Mandal @ Achinta Kumar 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 Additional Chief Judicial Magistrate, Tehatta, Nadia 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)