

25.11.2022
Sl. No.37
akd
[ALLOWED]

C. R. M. (DB) 4143 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.11.2022 in connection with Belur G.R.P.S. Case No.10 of 2021 dated 16.06.2021 under Section 302 of the Indian Penal Code. (G.R. Case No.40 of 2021)

And

In Re: **Manik Mondal**

... .. Petitioner

Mr. Subhabrata Chowdhury
Mr. Biswajit Goswami

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted there is no direct evidence connecting him with the murder.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner was last seen together with the deceased. Offending weapon was recovered from his possession.

We have considered the materials on record. Victim was in an inebriated condition. Live-link between the last seen theory and the death requires to be assessed during trial. Forensic report does not implicate the petitioner. Keeping in mind the aforesaid circumstances, period of detention suffered by the petitioner and as there is little progress in the matter since the rejection of bail by this court, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Manik 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, Howrah 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.)