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(Allowed)

C.R.M. (DB) 4439 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandannagore P. S. Case No.246 of 2013 dated 15.10.2013 under Section 302 of the Indian Penal Code.

In the matter of : Ujjal Mondal.

.... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. Debarati Choudhuury,
Mr. Bibek Dey.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for more than nine years. He submits there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail. He submits two persons were murdered. 17 out of 19 witnesses have been examined. Investigating Officer and post mortem doctor are yet to be examined.

We have considered the materials on record. Allegations are grave. However, bail is sought on the ground of inordinate delay in trial which is undeniable. Nothing is placed on record to show petitioner contributed to the delay. All the witnesses of fact have been examined and the possibility of winning over official witnesses i.e. IO and post mortem doctor is extremely bleak.

Under such circumstances, we are inclined to release the petitioner on bail subject to strict conditions.

Accordingly, the petitioner viz., Ujjal 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 local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to condition that he 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 petitioner while on bail shall remain within the jurisdiction of Chandannagar Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Chandannagar Police Station once in a week 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)