

25.01.2023
tkm/ct 28
sl no. 43

C.R.M. (DB) 309 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no.697 of 2016 dated 10.10.2016 under sections 147/148/149/447/307/302 of the IPC and sections 3/4 of the Arms Act
and

Allowed

In Re : Ujjal Mandal

..... petitioner

Mr. A Karmakar
Mr. A K Bhowmick

..... for the petitioner

Mr. M Sur
Mr. D Paramanik

..... for the State

Petitioner is in custody for more than six years. In spite of direction given by this court, trial has not concluded. Co-accuseds are on bail.

Learned lawyer for the State submits only medical evidence is to be led.

We have considered the evidence on record. Witnesses of fact have already been examined. Medical expert is yet to be examined. There is no possibility of the expert being won over by the petitioner.

In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 309 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)