

06.02.2023.
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(Allowed)

C.R.M. (DB) 327 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.143 of 2012 dated 26.03.2012 under Sections 409/34 of the Indian Penal Code.

In the matter of : Safikul Mondal.

.... Petitioner.

Mr. S. Das Mahapatra,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Madhurai Sinha.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 110 days. He submits he is not a Panchayat member. He has been falsely implicated in the case due to mistaken identity. He prays for bail.

In view of such submission report was called for from the investigating agency. Report is placed on record.

From the report it appears that the brother of the petitioner one Rafikul is a Panchayat member. He was entrusted by Rafikul to manage government work where defalcation took place. Rafikul as well as the petitioner have been arrayed as accused persons in the charge sheet. There are incriminating materials on record against the petitioner. However, co-accused Rafikul is on bail. Investigation is complete and trial has not commenced as yet.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Safikul 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.

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.)