

01.02.2023
Sl. No.43
akd
[ALLOWED]

C. R. M. (DB) 370 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with Nazat Police Station Case No.139 of 2019 dated 08.06.2019 under Sections 147/148/149/325/326/302 of the Indian Penal Code read with Sections 25/27 of the Arms Act. (G.R. Case No.1726 of 2019)

And

In Re: ***Sanjay Pal & Ors.***

... .. Petitioners

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das

... .. for the petitioners

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about a month. It is further submitted petitioners are not the principal accused (who has expired). Co-accuseds have been granted pre-arrest bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners were present at the place of occurrence. They had absconded for a period of time.

We have considered the materials on record. Petitioners are not the principal accused. Co-accuseds have been granted pre-arrest bail. Keeping in mind the aforesaid facts and extent of complicity of the petitioners in the alleged crime, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely ***(1) Sanjay Pal, (2) Biswajit Mondal & (3) Ajay Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)