

15.02.2023.
66.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 615 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabadwip P. S. Case No.356 of 2022 dated 10.08.2022 under Sections 447/325/326/354/379/34 of the Indian Penal Code and charge sheet submitted under Sections 341/325/326/354/302/34 of the Indian Penal Code.

In the matter of : Sahanaj Mondal @ Sanaj Ali Mondal
@ Sonaj Ali Mondal.
.... Petitioner.

Mr. Soubhik Mitter,
Mr. Atis Kr. Biswas,
Ms. Amit Singh.
...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Trina Mitra.
...for the State.

Petitioner is in custody for 145 days. It is submitted there was a dispute over a goat eating plants. Petitioner did not intend to murder the victim. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statements of witnesses show incident occurred over a trifling issue. Whether the petitioner intended to murder the victim requires to be assessed in the light of attending circumstances during trial. Petitioner does not have criminal antecedents. There is no chance of abscondence.

Balancing the nature of accusation with the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sahanaj Mondal @ Sanaj Ali Mondal @ Sonaj ali 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 Krishnagar 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.)