

24.02.2023  
sdas/tkm/ct 28  
sl no. 36

**C.R.M. (DB) 765 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gazole P.S case no. 555 of 2022 dated 14.7.2022 under sections 341/325/326/307/302/34 of the IPC  
and

**Allowed**

In Re : Arun Mandal & Ors.

..... petitioners

Mr. Ramdulal Manna

Mr M Manna

Mr. S Mukhejee

Ms. Payel Khanra

..... for the petitioners

Ms. Z N Khan

Md Kutubuddin

..... for the State

Petitioners are in custody for 90 days. Investigation is complete. It is submitted they are not the principal accused. They pray for bail.

Learned lawyer for the State opposes the bail payer.

We have considered the materials on record. Statements of witnesses show presence of the petitioners at the place of occurrence. However, the fatal blow was dealt by the co-accused Indrajit Mondal.

Keeping in mind the extent of complicity of the petitioners, period of detention suffered by them and as investigation is complete, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each 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 petitioners 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 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 being CRM (DB) 765 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**