

13.03.2023
Sl. No.148
akd
[ALLOWED]

C. R. M. (DB) 884 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2023 in connection with Dhubulia Police Station Case No.401 of 2010 dated 13.10.2010 under Sections 307/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Momin @ Momin Ali Mondal***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Zareen N. Khan
Mr. Asif Dewan

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 125 days. It is further submitted allegation of attempt to murder is out and out false.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for more than a decade.

We have considered the materials on record. Allegation of attempt to murder is not supported by medical evidence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Momin @ Momin Ali Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the said petitioner 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Dhubulia Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Dhubulia Police Station once in a week until further orders.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)