

16.03.2023.
21.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 948 of 2023

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

In the matter of : Saminur Mondal @ Bishu.

.... Petitioner.

Mr. Sumanta Das,
Ms. Mallika Manna.

...for the Petitioner.

Mr. Binay Panda,
Mr. Subham Bhakat.

...for the State.

Mr. Asraf Mondal,
Md. Bani Israil.

...for the de-facto complainant.

Petitioner submits he is in custody for 187 days. He submits incident occurred over a trifling issue. Co-accused viz., Sahanaj Mondal @ Sanaj Ali Mondal @ Sonaj Ali Mondal is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. Incident occurred in course of a dispute amongst neighbours. Co-accused viz., Sahanaj Mondal @ Sanaj Ali Mondal @ Sonaj Ali Mondal is on bail. Petitioner stands on the same footing with the said co-accused.

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

Accordingly, the petitioners viz., Saminur Mondal @ Bishu 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 Judicial Magistrate, Nabadwip, Nadia 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.)