

17.04.2023
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allowed

CRM(DB) No. 1495 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 403 of 2015 dated 17.10.2015 under Sections 302/201/109 of the Indian Penal Code.

And

In Re : Khokan Mondal petitioner

Mr. C. R. Chakraborty

Md. Abdur Rahan

Ms. Afrin Begum

Mr. M. Rahaman

Mr. S. Banerjee

....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Learned Counsel for the petitioner submits he is not the principal offender. It is also submitted there is little possibility of trial concluding in the near future. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for a considerable period.

We have considered the materials on record. Petitioner is not the principal offender. Though charge has been framed, there is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail subject to conditions.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Krishnanagar, Nadia, on further condition that while on bail petitioner shall remain within the district of Nadia except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of Nakashipara Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)