

20.04.2023
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 1581 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.04.2023 in connection with Tehatta Police Station Case No.92 of 2022 dated 09.02.2022 under Sections 394/397/412 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In Re: ***Alamin Mondal***

... .. Petitioner

Mr. Parthapratim Das
Mr. Asraf Mondal

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he was not identified during Test Identification parade. No recovery was made from his possession. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused was turned down.

We have considered the materials on record. Co-accused were identified in course of Test Identification parade. Stolen articles were also recovered. There is hardly any material implicating the petitioner in the crime. He does not stand on the same footing with the said co-accused whose bail prayer had been turned down. Keeping in mind the extent of complicity of the petitioner in the alleged crime, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Alamin 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 Additional Chief Judicial

Magistrate, Tehatta, Nadia 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.

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.)