

08.05.2023
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allowed

CRM(DB) No. 1827 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 311 of 2019 dated 02.01.2019 under Sections 341/325/326/307/34 of the Indian Penal Code.

And

In Re : Ajgar Ali Mondal @ Ajghar Mondal petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Aniket Mitra

.... for the State

Learned Counsel for the petitioner submits he is in custody for 63 days. It is also submitted he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for four years.

We have considered the materials on record. Incident occurred in the course of cultivation. Whether injuries are life threatening may be assessed during trial. Keeping in mind the aforesaid facts we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

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, Ranaghat, Nadia, on further condition that while on bail petitioner shall remain within the jurisdiction of Dhantala Police Station except for the purposes of investigation and /or attending

court proceeding and shall meet the officer-in-charge of concerned 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.)