

07.07.2023
D/L 23
Ct. No.28
allowed
(SKB)

CRM (DB) 2253 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 323 of 2021 dated 08.06.2021 under Sections 448/325/326/307/354/34 adding Section 302 of the Indian Penal Code (G.R. Case No.1984 of 2021)

And

In the matter of : Asmaul Mondal @ Patan

... Petitioner

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

... for the petitioner

Mr. Saswata Gopal Mukerji, ld. P.P.
Mr. Partha Pratim Das,
Mrs. Manasi Roy

... for the State

Mr. Dhananjay Banerjee,
Mr. Saomnath Adhikari

... for the defacto complainant

Petitioner is in custody for 320 days. Vulnerable witnesses have been examined. Co-accused are enlarged on bail. We are informed examination of the investigating officer and other official witnesses are yet to be concluded.

Under such circumstances, on principles of parity and in view of the period of detention suffered by the petitioner i.e. 320 days, we are of the opinion further detention of the petitioner is not necessary. Trial court is requested to ensure the examination of the remaining prosecution witnesses at

the earliest and conclude the trial without giving unnecessary adjournment to the parties.

Accordingly, petitioner namely Asmaul Mondal @ Patan 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 CJM, Murshidabad 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 being CRM (DB) 2253 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)