

11.07.2023.  
45.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 2417 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P. S. Case No.203 of 2021 dated 22.11.2021 under Sections 148/149/323/302/504/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and Sections 3 / 4 E. S. Act.

In the matter of : Akubbar Mondal.

.... Petitioner.

Mr. Ayan Basu,  
Mr. Asraf Mondal,  
Ms. Debjani Chowdhuri,  
Mr. Sumit Routh.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,  
Ms. Trina Mitra.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Petitioner is in custody for 206 days. He has not been named by witnesses whose statements have been recorded under Section 164 of the Code of Criminal Procedure. Co-accused similarly circumstanced with the petitioner has been enlarged on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Akubbar Mondal 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, Tehatta, 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.)**