

18.07.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2754 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No.676 of 2011 dated 04.10.2011 under Sections 448/376/511/34 of the Indian Penal Code.

In the matter of : Julu Dafadar @ Julfikar Dafadar.

.... Petitioner.

Mr. Raja Biswas.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. S.G.A.,

Mr. Asraf Mondal.

...for the State.

Petitioner submits an incorrect name had been given in the charge sheet. As a result, he had not appeared and prayed for bail earlier. He is in custody for about three weeks. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. Allegation of abscondence requires to be assessed in the light of the explanation offered by the petitioner for not appearing before the court below.

Keeping in mind the aforesaid fact and the nature of allegations, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Julu Dafadar @ Julfikar Dafadar 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 Chief Judicial Magistrate, Krishnanagar, 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 and on further condition that the petitioner while on bail shall remain within the District of Nadia and report to the Officer-in-charge of Nakashipara Police Station once in a week until further orders.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)