

09.08.2023
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allowed

CRM(DB) No. 3143 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station 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 of the E.S. Act.

And

In Re : Mofejuddin Mondal @ Mafez Mondal @ Mofej petitioner

Ms. Anasuya Sinha

Mr. Asraf Mondal

....for the petitioner

Mr. Neguive Ahamed, learned APP

Ms. Amita Gaur

..... for the State

Learned Counsel for the petitioner submits he is in custody for 625 days. It is also submitted that he is not named in the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure. Co-accused, similarly circumstanced with the petitioner i.e. Akubbar Mondal, has been enlarged on bail. He renews his bail prayer.

Learned Counsel for the State opposes the prayer for bail and submits there is possibility that the petitioner may abscond. Other accuseds are absconding.

We have considered the materials on record. Statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure show presence of the petitioner at the place of occurrence but the statement of the injured under Section 164 of the Code of Criminal Procedure does not disclose role of the petitioner. Under such circumstances, Akubbar Mondal has been

enlarged on bail. Accordingly, we are inclined to grant bail to the petitioner.

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, Tehatta, Nadia, subject to conditions that 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.)