

22.08.2023
tkm/ct 28
sl no. 36

C.R.M. (DB) 3282 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur P.S case no. 138 of 2023 dated 21.4.2023 under sections 379/411/302/120B/34 IPC
and

Allowed

In Re : Mahadev Pal @ Mahadeb @ Paul ... petitioner

Mr Arindam Jana
Mr. S Das
Mr. S Biswas
Mr. P P Sinha
Mr. A Haldar
Mr. A Sengupta

..... for the petitioner

Mr. Pinak Kr. Mitra

..... for the State

1. Petitioner submits he is not involved in the murder. He had left the spot prior to the incident. He does not stand on same footing with co-accused whose bail prayer had been rejected. He prays for bail.

2. Learned lawyer for the State opposes the bail prayer. He submits petitioner is a conspirator and was seen with the victim. Money was also recovered from him.

3. We have considered the materials on record. Statements of witnesses show that the victim was seen with the petitioner. However there is no material to show that the petitioner had enmity with the victim or he was present at the place of occurrence. Petitioner does not stand on the same footing with Sankar Sil who had enmity with the victim or with Atul @ Gouranga Mondal who was seen with Dinu Sardar and the deceased prior to the incident. Accordingly, he stands on a better

footing from the co-accused whose bail prayer have been rejected.

There is little possibility of trial concluding in the near future.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 CJM Nadia at Krishnagar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.

7. The application being CRM (DB) 3282 of 2023 is disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)