

23.08.2023
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 3306 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 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, Sections 25/27 of the Arms Act and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.1122 of 2022)

And

In Re: ***Johir @ Johiruddin Mondal @ Jahiruddin Ahammed Mondal***
... .. Petitioner

Ms. Anasuya Sinha
Mr. Asraf Mandal

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 608 days. Co-accused viz. Akubbar Mondal, Mofejuddin Mondal @ Mafez Mondal @ Mofej and Ajijul Sk. similarly circumstanced with the petitioner have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor produces the case diary.
3. We have considered the materials on record. Petitioner stands on the same footing with co-accused viz. Akubbar Mondal, Mofejuddin Mondal @ Mafez Mondal @ Mofej and Ajijul Sk. who have been enlarged on bail. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Johir @ Johiruddin Mondal @ Jahiruddin Ahammed Mondal***, 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 Additional Chief Judicial Magistrate, Tehatta, Nadia 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)