

29.08.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (DB) 3311 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 Lalgola Police Station Case No.268 of 2023 dated 03.07.2023 under Sections 341/325/326/307/34 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.2077 of 2023)

And

In Re: ***Utpal Mandal & Ors.***

... .. Petitioners

Mr. Tapodip Gupta

... .. for the petitioners

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor

Mr. Santanu Deb Roy

... .. for the State

1. Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.
2. It is submitted on behalf of the petitioners that they are in custody for about 57 days. Co-accused have been granted pre-arrest bail. Accordingly, they pray for bail.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record. Whether the injuries are life-threatening may be assessed during trial. Co-accused have been granted pre-arrest bail. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners for progress of investigation is not necessary.
5. Therefore, the petitioners, namely ***(1) Utpal Mandal, (2) Sunil Mondal & (3) Bijoy Mandal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad subject to condition that the said petitioners 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.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)