

25.08.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 3338 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Krishnagar Kotwali Police Station Case No.298 of 2023 dated 04.04.2023 under Sections 302/201/379 of the Indian Penal Code.

And

In Re: ***Palash Mondal***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 143 days. It is further submitted there is no direct evidence connecting him with the murder. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits weapon of offence i.e. blood stained stone was recovered on the showing of the petitioner. Articles belonging to the deceased have also been recovered.
3. We have considered the materials on record. Statements of witnesses show petitioner had entered the cold storage where the victim guard had been murdered. It is nobody's case that the cold storage was not accessible to other employees. No forensic report with regard to presence of blood on the seized stone is placed before us. Whether the alleged recovery of articles of the deceased is sufficient to establish the involvement of the petitioner may be assessed during trial. Investigation is complete. Under such

circumstances and as there is no chance of abscondence of the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely ***Palash 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.)