

22.09.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 3692 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.09.2023 in connection with Taherpur Police Station Case No.152 dated 19.07.2019 under Sections 341/302/34 of the Indian Penal Code. (G.R. Case No.555 of 2019)

And

In Re: ***Subodh Mondal***

... .. Petitioner

Mr. Biplab Mitra
Ms. Trina Mitra

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Dipankar Paramanick

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than a year. It is further submitted there is no progress in the matter since rejection of bail by this court. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Statements of witnesses show co-accused and Rup Kumar Mondal had accosted the victim. They assaulted him and dragged him beside the house of one Sanjit Das. There Rup Kumar Mondal again assaulted the victim and the petitioner hit the victim on his head. Co-accused including Rup Kumar Mondal have been enlarged on bail. Though the petitioner had absconded for a period of time, he is in custody for more than a year and there is no progress in the matter.
4. In view of the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely ***Subodh 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, Ranaghat, 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Taherpur Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Taherpur Police Station once in a week until further orders.
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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)