

29.09.2023.
45.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3778 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jadavpur P.S. Case No.432 of 2013 dated 18.07.2013 under Sections 302/396/34 of the Indian Penal Code and charge sheet submitted under Section 396 of the Indian Penal Code.

In the matter of : **Mahadev Mondal & Ors.**

.... Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. D. Majumder,
Mr. Tusar Hazra.

...for the Petitioner.

Ms. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

1. Heard the learned Counsel for the parties.
2. We have considered the materials on record. Petitioners are in custody for more than 10 years. There is inordinate delay in trial. Co-accused have been enlarged on bail. Petitioners stand on the same footing with the said co-accused and are entitled to same relief.
3. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, 24-Paraganas, South subject to condition that they 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 petitioners while on bail shall remain within

the Municipal limits of Kolkata and shall provide the address where they shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of Jadavpur Police Station once in a week until further orders.

4. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

5. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)