

11.10.2023
19
b.das
Ct.No. 28

C.R.M. (DB) 3932 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Balurghat P.S case no. 521 of 2022 dated 23.07.2022 under sections 363/368/364A/34 of the Indian Penal Code.

and

Allowed

In Re : **Asmat Mondal @ Asmaul Hoque @ Asmaul Mondal@Sk.** ... petitioner

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee

..... for the petitioner.

Ms. Anasuya Sinha
Mr. Pinak Kr. Mitra

..... for the State.

1. Heard learned Advocates for the parties.
2. The petitioner submits that he is a labour contractor and there was dispute between him and the labourers over payment of wages. He has been falsely implicated in the matter. He prays for bail.
3. Learned lawyer for the State opposes the bail prayer and submits that the victim labourers were recovered from his residence. He had demanded Rs.55,000/- for their release.
4. We have considered the materials on record. Petitioner is a labour contractor. Allegation that labourers were abducted on demand of payment of ransom of Rs.55,000/- requires to be assessed in the light of the victims' economic status and other attending circumstances during trial. Victims have already been recovered. No injuries supporting the allegation of physical torture are found on their bodies.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Balurghat, Dakshin Dinajpur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event petitioner 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)