

01.12.2023.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4037 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamalpur P.S. Case No.23 of 2016 dated 01.02.2016 under Sections 395/397 of the Indian Penal Code read with Sections 25/27 of the Arms Act and charge sheet submitted under Sections 395/397 of the Indian Penal Code read with Sections 25(1b)/(a) of the Arms Act.

In the matter of : **Somnath Mondal @ Some.**

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,

Mr. Arabinda Manna.

...for the State.

1. Petitioner is in custody for more than four years. He contends there is no slow progress in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report. He contends petitioner was on bail. He committed another offence and his bail came to be cancelled. He was re-arrested in 2019 and is in custody since then.
3. We have considered the materials on record. Though conduct of the petitioner is not appreciable, we note he is in custody for more than four years. Trial has not yet commenced. Offences, even if proved, would not attract mandatory life imprisonment.
4. Keeping in mind the protracted period of detention suffered by the petitioner and as there is little possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner subject to strict conditions.

5. Accordingly, the petitioner viz., **Somnath Mondal @ Some** shall 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 Chief Judicial Magistrate, Burdwan subject to condition that he 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 remain within the jurisdiction of Chinsurah Police Station except for the purpose of attending court proceeding and report to the Officer-in-charge, Chinsurah Police Station once in a week until further orders.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)