

18.12.2023
Sl. No.89
akd
[ALLOWED]

C. R. M. (DB) 4266 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2023 in connection with Ashoknagar Police Station Case No.781 of 2020 dated 31.10.2020 under Sections 302/201/120B/34 of the Indian Penal Code. (G.R. Case No.2683 of 2020)

And

In Re: ***Bipad Mondal***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Arijit Ganguly
Ms. Debjani Sahu

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. On the ground of delay co-accused has been enlarged on bail. There is little possibility of trial concluding in the near future. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Bipad 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, North 24-Parganas at Barasat 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.)