

19.12.2023
124
sdas
Partly Allowed

CRM (DB) No. 4519 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jiaganj Police Station Case No. 171 of 2023 dated 08.07.2023 under Sections 448/450/302/201/506/34 of the Indian Penal Code.

And

In Re : Swades Mondal @ Prokash Mondal & Ors. petitioners

Mr. Bibaswan Bhattacharya

Ms. Soma Mal

Ms. Rabia Khatoon

Ms. June Modak

.....for the petitioners

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

....for the State

1. Learned Counsel for the petitioners submits an unknown person was detected in the locality. He was suspected to be a thief. Some local assaulted him resulting in his death. Petitioners have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record including the statements of witnesses under Section 164 of the Code of Criminal Procedure implicating petitioner nos. 2 and 3 in the assault. Hence we are not inclined to grant bail to them.

4. Application for bail in so far as petitioner nos. 2 and 3 concerned is, thus, rejected.

5. Statement of witness does not implicate the petitioner no. 1 in the assault. Hence, we are inclined to grant bail to him.

6. Accordingly, we direct that petitioner no. 1 viz. Swades Mondal @ Prokash Mondal 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to the condition that he shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event, petitioner no. 1 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.

8. The application for bail is, accordingly, allowed in so far as petitioner nos. 1 is concerned.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)