

16.02.2024.
54.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 474 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Barrackpore P.S. Case No.456 of 2022 dated 04.12.2023 under Sections 341/326/307 of the Indian Penal Code.

In the matter of : **Kutubuddin Mondal @ Babu.**

.... Petitioner.

Mr. Pintu Karar,
Mr. A. Mukherjee,
Mr. S. Karar,
Mr. Saibal Koley.

...for the Petitioner.

Mr. Jaydeep Biswas.

...for the State.

1. Petitioner is in custody for 438 days. He submits he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Though charge has been framed, there is little possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment.
4. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Kutubuddin Mondal @ Babu** 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, Barrackpore, North 24-

Paraganas 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 not enter the jurisdiction of New Barrackpore Police Station except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)