

06.03.2024
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allowed

CRM(DB) No. 528 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daspur Police Station Case No. 155 of 2016 dated 14.06.2016 under Sections 341/326A/307/120B of the Indian Penal Code and charge was framed under Sections 341/326A/307/120B of the Indian Penal Code.

And

In Re : Souradwip Mondal @ Souradeep Mondal @
Souradeep Mandal petitioner

Mr. Manojit Debnath
Ms. Aatreya Mukherjee
Mr. Rhitam Chatterjee

....for the petitioner

Ms. Faria Hosain
Mr. Anindya Sundar Chatterjee

.... for the State

1. Report submitted on behalf of the State is placed on record.
2. We have perused the report.
3. We are disheartened to note prosecution has taken almost a year to examine official witnesses i.e. police officers and Judicial Magistrate. This shows indifference on the part of prosecution to proceed with the trial while petitioner has languished in jail. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, we direct that the petitioner 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, Ghatal, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

7. Presence of the Investigating Officer, Daspur Police Station is noted and dispensed with.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)