

23.02.2024.
43.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 551 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P.S. Case No.171 of 2023 dated 27.03.2023 under Section 364A of the Indian Penal Code.

In the matter of : **Sujamal Haque Mondal @ Kalam Haque Mondal @ Kalam Mondal @ Polan Mondal & Ors.**

.... Petitioners.

Mr. Prabir Majumder,
Mr. S. Majumder,
Ms. Sangeeta Chowdhury.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Mr. Mirza Feroz Begg.

...for the State.

1. Petitioners contend evidence of the vital witnesses are over. PW 1, the victim who was kidnapped for ransom did not identify them in court. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner no.1 was identified in the course of T. I. Parade.
3. We have considered the materials on record. PW 1 has not identified the petitioners as the person who had kidnapped him. He identified one Mannagal Halsana as the offender. Identification during T. I. Parade is not substantive evidence.
4. In view of scanty evidence on record against the petitioners and the period of detention suffered by them i.e. about a year, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar subject to condition that they 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.

6. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their 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.)