

30.04.2024
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 843 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.03.2024 in connection with Nalhati Police Station Case No.135 of 2023 dated 24.04.2023 under Sections 302/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 302/34/120B of the Indian Penal Code. (G.R. Case No.568 of 2023)

And

In Re: **Abu Kader Mondal**

... .. Petitioner

Mr. Tapas Kumar Ghosh
Mr. Tanmay Chowdhury

... .. for the petitioner

Mr. Joydeep Roy .. Jr. Govt. Advocate

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 89 days. It is further submitted petitioner was not present at the place of occurrence. Allegation of conspiracy is false. Co-accused viz. Md. Nurul Mortoja @ Rajesh Master has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner was not present at the place of occurrence. Co-accused viz. Md. Nurul Mortoja @ Rajesh Master has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. 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 **Abu Kader 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 Additional Chief Judicial Magistrate, Rampurhat, Birbhum 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.)