

29.04.2024
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 1128 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2024 in connection with Tehatta Police Station Case No.944 of 2023 dated 01.12.2023 under Sections 120B/34 of the Indian Penal Code. (G.R. Case No.311 of 2024)

And

In Re: ***Paritosh Mondal @ Bhadu & Anr.***

... .. Petitioners

Mr. Arindam Jana
Mr. Asraf Mandal

... .. for the petitioners

Mr. Antarikhya Basu
Ms. Sudipa Biswas

... .. for the State

1. Petitioner no.1 is in custody for about 146 days and petitioner no.2 is in custody for about 104 days.
2. It is submitted on behalf of the petitioners that they have been falsely implicated out of suspicion. Accordingly, they pray for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits petitioners as well as the deceased had romantic interest in a woman. This resulted in rivalry and gave motive to commit the crime. Petitioner no.1 made a phone call to the deceased prior to the incident. Tower location as per Call Detail Records (CDRs) show petitioner no.1 was present near the place of occurrence.
4. We have considered the materials on record. Statements of witnesses show there was rivalry between the petitioners on one hand and the deceased on the other hand over a romantic interest. Though Call Detail Records (CDRs) show petitioner no.1 made a phone call to the deceased, contents of the conversation are not known. Latitude and longitude report with regard to the location of petitioner no.1's mobile phone as per the service provider report

shows the phone was at a distance of 1.3 kms. from the place of occurrence. Under these circumstances whether the circumstances relied on behalf of the prosecution will unerringly point to the guilt of the petitioners or not require to be assessed during trial. There is no chance of abscondence.

5. In view of the aforesaid and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
6. Therefore, the petitioners, namely **(1) Paritosh Mondal @ Bhadu & (2) Rakesh Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the said petitioners 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.
7. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)