

25.04.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 1201 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2024 in connection with Tehatta Police Station Case No.366 of 2020 dated 06.09.2020 under Sections 302/34 of the Indian Penal Code.

And

In Re: ***Pravakar Mondal @ Token Mondal & Ors.***

... .. Petitioners

Mr. Arindam Jana
Mr. Asraf Mondal

... .. for the petitioners

Mr. Joydeep Roy .. Jr. Govt. Advocate
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than four years. It is further submitted there is inordinate delay in trial. PW 1, an eyewitness has not supported the case. Accordingly, they pray for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits there are two other eyewitnesses to be examined.
4. We have considered the materials on record. Bail prayer of the petitioners was rejected earlier and vide order dated 06.07.2023 the trial court was directed to conclude trial within six months. Only one witness has been examined till date. PW 1, an eyewitness has not supported the case. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
5. Therefore, the petitioners, namely ***(1) Pravakar Mondal @ Token Mondal, (2) Nabin Mondal @ Bapi, (3) Manojit Mondal @ Fochan & (4) Sanjay Mondal @ Hoda***, be released on bail upon furnishing

a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, 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.

6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)