

06.05.2024
tkm/ct 28
sl no. 36

C.R.M. (DB) 1424 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Haringhata P.S case no. 235 of 2017 dated 18.7.2017 under sections 498A/307/34 IPC
and

Allowed

In Re : Biplab Mondal & Anr. petitioners

Ms. Bushra Feroz
..... for the petitioners
Mr. Rana Mukherjee
Ms. Rita Dutta
..... for the State

1. Petitioners submit they were on bail since 2017. Petitioner no. 1 works as a daily labourer in Andaman & Nicobar Islands. Petitioner no. 2 is suffering from various neurological ailments. Due to miscommunication they could not appear before the trial court in February 2024. Warrant came to be issued and he was arrested in March 2024. Since then he is in custody. They pray for bail.
2. Learned lawyer for the State submits petitioners attempted to poison the housewife.
3. We have considered the materials on record. Petitioners were released on bail on merits. They had attended court for almost four years. On one occasion due to circumstance beyond their control they failed to appear before the trial court and were re-arrested.
4. Under such circumstances we are of the opinion further detention of the petitioners may not be necessary and they may be enlarged on bail, however subject to conditions.

5. Accordingly, the petitioners 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 ACJM Kalyani Nadia on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall meet Officer-in-Charge, Haringhata P.S once in a week until further orders..

6. In the event they fail to do so or resort to dilatory tactics and delay the trial, trial court shall be at liberty to cancel their bail without reference to this court.

7. The application being CRM (DB) 1424 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)