

10.05.2024
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 1479 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.05.2024 in connection with Dholahat Police Station Case No.106 of 2023 dated 09.03.2023 under Sections 341/447/325/326/307/302/506/34 of the Indian Penal Code. (G.R. Case No.518 of 2023)

And

In Re: ***Panchanan Mondal***

... .. Petitioner

Md. Aasif Iqbal
Mr. Debdip Mandal
Mr. Tanmay Basu

... .. for the petitioner

Mr. Antarikhya Basu
Ms. Nahid Ahmed

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 428 days. It is further submitted there is no progress in the matter since rejection of his bail in August, 2023. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits there was a dispute between the family of Badal Naskar and deceased Bimalendu Naskar. Over this dispute Badal Naskar, Tarun Naskar and Mithun Naskar assaulted Bimalendu. Thereafter when his brother viz. Amalendu Naskar rushed to the spot, others including the petitioner assaulted Amalendu. Charge has been framed and date has been fixed for recording evidence.
3. We have considered the materials on record. Petitioner is in custody for more than a year. Statements of witnesses recorded before Magistrate show he had assaulted Amalendu, brother of the deceased after the deceased had been assaulted. Whether petitioner shared the common intention to commit murder of the

deceased has to be seen in the light of the attending circumstances including his role in the incident and the time of assault on Amalendu. Though charges have been framed, prosecution proposes to examine seventeen witnesses in all. There is no possibility of trial concluding in the near future. There is no chance of abscondence. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Panchanan 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, Kakdwip, South 24-Parganas 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)