

CRM (DB) 1505 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tehatta Police Station** Case No. **328 of 2012** dated **14.05.2012** under Sections **365** of the Indian Penal Code read and subsequently added Section 364 IPC.

- A n d -

In the matter of : Hare Krishna Mondal

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. A. Islam,
Mr. S. Mukherjee,

... For the Petitioner.

Mr. Subhomoy Bhattacharjee,
Mr. Rahul Ganguly,

... For the State.

This is an old police case of 2012. The allegation is that the petitioner and three other accused persons abducted the victim. The victim has not yet been recovered. The petitioner was taken into custody in 2012. He was released on bail. Thereafter, he was discharged after six years in view of Section 167(5) Cr. P. C (West Bengal amendment).

It appears that subsequently fresh investigation has been directed to be held and the petitioner was directed to surrender. Since the petitioner did not comply with such direction, he was taken into custody by the police. He has been in custody for 84 days. Further investigation is continuing.

The petitioner says that this is a fit case where he should be enlarged on bail. He will cooperate with the Investigating Authority to the fullest extent.

Learned Advocate for the State opposes the prayer for bail. He draws our attention to the material in the case diary.

On an overall assessment of the material on record, we are of the opinion that this is not a case where the petitioner is required to be detained in custody so long as he cooperates with the Investigating Authority.

Accordingly, we direct that the petitioner, namely, **Hare Krishna Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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 and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**