

147.
20-05-2024
(ct. no.06)
debajyoti
(allowed)

CRM (DB) 1538 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No.203 of 2021 dated 22-11-2021 under Sections 148/149/323/302/504/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act and Sections 3/ 4 of the E.S. Act.

- A n d -

In the matter of : Jiarul Mondal @ Ziyarul Mondal
.... Petitioner.

Mr. Ayan Bose,
Mr. Asraf Mondal
... For the Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Karan Bapuli
... For the State.

The charge is under several sections of the Indian Penal Code including Section 302. The petitioner says that there was a free fight and the petitioner had no specific role to play in the alleged offence. He is in custody for 223 days. Investigation is complete and charge sheet has been submitted. Nine out of the twenty accused persons have been granted bail by this Court. The petitioner may be enlarged on bail.

The Sate vehemently opposes the prayer for bail and produces the Case Diary.

We have perused the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. We have seen the medical report. Investigation is complete. Charge sheet has been submitted. The case has been committed for trial.

On an overall consideration and assessment of the material on record, we are of the view that further custodial detention of the petitioner is not necessary. We are inclined to enlarge the petitioner on bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Jiarul Mondal @ Ziyarul Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Tehatta, Nadia. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight until further orders.

In the event the petitioner fails to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1538 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)