

05
04-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1568 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Baisnabnagar Police Station** Case No. **134 of 2023** dated **01.03.2023** under Sections **376(D)/302/201/34/120B** of the Indian Penal Code.

- A n d -

In the matter of : Ajit Manjdal

.... Petitioner.

Mr. Sekhar Basu,
Mr. Partha Chakraborty,
Md. M. Obaid,

... For the petitioner.

Mr. Saryati Dutta,
Mr. Aslam Parvez,

... For the State.

The petitioner says that he is in custody for 477 days. Only 6 out of 33 witnesses have been examined. It is anybody's guess when the trial will conclude. There is no sufficient evidence against him. He should be enlarged on bail immediately.

While opposing the prayer for bail, learned Advocate for the State refers to the statement of a witness recorded under Section 164 of the Code of Criminal Procedure to the effect that the victim was last seen with, amongst others, this petitioner. He says that there is sufficient evidence against this petitioner, however, in his usual fairness, he produced the FSL report regarding DNA test. Such report is completely against the prosecution in so far as this petitioner is concerned.

Further, we see that the defacto complainant being the father of the victim lady, in his deposition recorded before the learned Trial Court has said nothing adverse against the petitioner.

In view of the aforesaid, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Ajit Mandal**, 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 District and Session Judge, 1st Court, Malda 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 fail 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.)**