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

CRM (DB) 1892 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore Police Station** Case No. **296 of 2024** dated **28.02.2024** under Sections **489B/489C** of the Indian Penal Code and Sections 25(1-AA)/27 of the Arms Act.

- A n d -

In the matter of : Mahadev Mondal @ Bachhu Mondal

.... Petitioner.

Mr. Pratip Kumar Chatterjee,
Ms. M. Chatterjee,

... For the petitioner.

Mr. Antarikhya Basu,
Mr. D. Dutta,

... For the State.

Order dictated in open court by Apurba Sinha Ray, J.

Learned Advocate for the petitioner says that he belongs to a different political party and for the purpose of keeping him in custody he has been falsely implicated in this case. No fake Indian currency notes or arms have been recovered from him. He is in custody for about 100 days.

Learned Advocate for the State says that the petitioner's bail prayer should not be allowed since there are antecedents of the present petitioner. The relevant statements of the vital witnesses have been recorded under Section 164 of the Code of Criminal Procedure wherefrom it is found that the present petitioner is an arm dealer and he is used to operate illegal arms business.

We have gone through the materials on record as also the case diary. Nothing has been recovered from the possession of the

present petitioner. Further, prayer for police custody has not been made when the petitioner was taken into custody. Investigation is complete and as such there is no need for further detention of the present petitioner.

Accordingly, we direct that the petitioner, namely, **Mahadev Mondal @ Bachhu 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, Berhampore, Murshidabad 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.)