

CRM (DB) 2047 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Patashpur Police Station** Case No. **375 of 2023** dated **07.08.2023** under Sections **147/148/149/447/448/323/325/302/506** of the Indian Penal Code.

- A n d -

In the matter of : Ajit Kumar Mal @ Ajit Mal

.... Petitioner.

Mr. Soumya Nag,
Mr. A. Tiwari,

... For the petitioner.

Mr. Bitasok Banerjee,
Mrs. A. De,

... For the State.

Order dictated by Partha Sarathi Sen, J.

1. It is submitted that the present accused-petitioner has been implicated falsely on account of village rivalry. It is further submitted that charge has already been considered but trial has not yet commenced.
2. While opposing the prayer for bail, learned Advocate for the State submits that there are eye witnesses accounts with regard to the alleged involvement of the present accused-petitioner.
3. On perusal of the entire materials, it does not transpire to us that it is a fit case for custodial trial especially when no case has been made out on behalf of the State that in the event the present accused petitioner is enlarged on bail, he may abscond and/or he will tamper with the evidence.
4. In such view of the matter, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Ajit Kumar Mal @ Ajit Mal**, 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 Sessions Judge, 2nd Court, Fast Track, Contai, Purba Medinipur 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 each date of substantive hearing subject to the provision of Section 317 Cr. P.C. and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

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

(**Partha Sarathi Sen, J.)**

(**Arijit Banerjee, J.)**