

14.08.2024
Item no. 37.
Court No.28.
AB
(Allowed)

CRM (DB) 2108 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No.296 Dated 21.09.2022 under Sections 302/120B of the Indian Penal Code read with Section 25 of the Arms Act

And

In the matter of : Suman Mondal

.....Petitioner.

Mr. Fazlur Rahaman,
Md. Babul Hussain,
Ms. Dona Sanyalfor the Petitioner.

Mr. Partha Pratim Das
Mr. Debanshu Ghoraifor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner prays for bail on the ground of delay in progress of the trial as also on the ground of parity. He says that three out of five accused persons, including the principal accused, have been granted bail. He is in custody for 1 year and 11 months. Witness action has not yet started.
2. While opposing the prayer for bail, learned Advocate for the State does not dispute that the petitioner is similarly circumstanced as the three accused persons, who have been enlarged on bail. We also note that there are 56 witnesses named in the charge sheet. Witness action has not yet begun. There is absolutely no possibility of an early conclusion of the trial.
3. On the ground of delay and parity, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely **Suman 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 Chief Judicial Magistrate, North 24 Parganas at Barasat, 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.
5. 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

