

02.09.2024  
Item no.30.  
Court No.28.  
S. De  
(Allowed)

**CRM (DB) No. 2211 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. 181 of 2023** dated **02.09.2023** under **Sections 341/325/307/34** of the Indian Penal Code.  
And

**In the matter of : Mainul Mondal.**

**.....Petitioner.**

Mr. Sandip Chakraborty,  
Mr. Amanul Islam,  
Mr. Sourav Mukherjee,  
Mr. Kaustav Das,  
.....for the Petitioner.

Mr. Anand Keshri,  
Mr. Rajashree Tah, .....for the State.

**Dictated by Prasenjit Biswas, J.**

1. It is submitted by the learned counsel on behalf of the petitioner that the present petitioner is completely innocent and has been falsely implicated with the alleged crime. It is further said that there was a free fight between the parties and, as a result, the victim sustained injuries and died. It is further submitted by the learned counsel that there is no immediate chance of commencement of trial. Hence, he should be enlarged on bail.
2. Learned counsel appearing for the State raises vehement objection and submits that there are

sufficient incriminating materials gathered in the case diary which shows prima facie involvement of the petitioner with the alleged offence.

3. We have considered the rival submissions advanced by the parties and perused the materials placed before us.
4. It appears that this accused petitioner is in custody since for a considerable period of time and charge-sheet has already been submitted by the prosecuting agency after completion of investigation. The case has not yet been committed as because the warrant of arrest is pending against one of the accused persons named in the charge-sheet. We find that there is no immediate chance of early conclusion of the trial.
5. Considering the detention of the petitioner behind the bar and also that the case has not yet been committed and that there is very little chance of an early conclusion of the trial, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Mainul 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, Tehatta, Nadia 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.

7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Prasenjit Biswas, J.)**

**(Arijit Banerjee, J.)**

