

## CRM (DB) 2431 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chakdaha Police Station** Case No. **299 of 2022** dated **10.05.2022** under Section **304** of the Indian Penal Code.

- A n d -

**In the matter of : Nausad Mondal @ Nawasad Mondal**

.... Petitioner.

Mr. Shekhar Barman,

... For the Petitioner.

Mr. Debasish Roy,

Mr. Arijit Ganguly,

Mr. K. Mondal,

... For the State.

### Order dictated by Arijit Banerjee, J.:

1. The petitioner is in custody for 855 days. The charge is under Section 304 IPC. The case appears to be that the petitioner was hooking electricity and for that purpose laid electric wire through the paddy field of the deceased victim. The deceased got electrocuted.

2. We are told that 3 out of 12 charge sheet named witnesses have been examined. The State says that there is sufficient incriminating evidence against the petitioner.

3. Be that as it may, the petitioner is in custody for quite some time. It does not seem that the trial is likely to conclude at an early date.

4. Hence, on the ground of delay in progress of trial as also considering the overall facts and circumstances of the case, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Nausad Mondal @ Nawasad 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, Kalyani, 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. 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.

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.

**( Prasenjit Biswas, J. )**

**( Arijit Banerjee, J. )**