

53.
07-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2647 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pukhuria Police Station Case No.192 of 2022 dated 07-06-2022 under Section 302 of the Indian Penal Code.

- A n d -

In the matter of : Madhu Sudan Mandal @ Madhu @ Madhu Mandal
.... Petitioner.

Mr. Asfak Ahammed

... For the Petitioner.

Mr. Saibal Bapuli,
Ms. Sudeshna Das

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected earlier by an order dated November 25, 2022 passed in CRM (DB) 4136 of 2022. He says that he is in custody for almost 2 years 4 months. Only 3 out of 18 charge sheet named witnesses have been examined. All the 3 prosecution witnesses have turned hostile.

Learned advocate for the State draws out attention to the material in the Case Diary.

Since all the three prosecution witnesses examined so far have turned hostile and the petitioner is in custody for a fairly long period of time and there is little possibility of an early conclusion of the trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Madhu Sudan Mandal @ Madhu @ Madhu Mandal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, Chanchal, Malda. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned 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 being CRM (DB) 2647 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)